



Agenda for Planning Committee Tuesday, 29th November, 2022, 10.00 am

Members of Planning Committee

Councillors: E Wragg (Chair), S Chamberlain (Vice-Chair), K Bloxham, C Brown, A Colman, O Davey, B De Saram, S Gazzard, M Howe, D Key, R Lawrence, G Pook, G Pratt, E Rylance, P Skinner and T Woodward

Venue: Council Chamber, Blackdown House, Border Road, Heathpark Industrial Estate, Honiton, EX14 1EJ.

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(or group number 01395 517546)

Issued: Thursday, 17 November 2022

This meeting will be streamed live to the Council's YouTube Channel at
<https://www.youtube.com/channel/UCmNHQruge3LVl4hcgRnbwBw>

Speaking on planning applications

In order to speak on an application being considered by the Planning Committee you must have submitted written comments during the consultation stage of the application. Those that have commented on an application being considered by the Committee will receive a letter or email detailing the date and time of the meeting and instructions on how to register to speak. The letter/email will have a reference number, which you will need to provide in order to register. Speakers will have 3 minutes to make their representation.

The number of people that can speak on each application is limited to:

- Major applications – parish/town council representative, 5 supporters, 5 objectors and the applicant or agent
- Minor/Other applications – parish/town council representative, 2 supports and 2 objectors and the applicant or agent

The revised running order for the applications being considered by the Committee and the speakers' list will be posted on the Council's website (agenda item 1 – speakers' list) on the Friday before the meeting. Applications with registered speakers will be taken first.

Parish and town council representatives wishing to speak on an application are also required to pre-register in advance of the meeting. One representative can be registered to speak on behalf of the Council from 10am on Monday, 21 November 2022 up until 12 noon on Thursday, 24 November 2022 by leaving a message on 01395 517525 or emailing planningpublicspeaking@eastdevon.gov.uk.

Speaking on non-planning application items

A maximum of two speakers from the public are allowed to speak on agenda items that are not planning applications on which the Committee is making a decision (items on which you can register to speak will be highlighted on the agenda). Speakers will have 3 minutes to make their representation. You can register to speak on these items up until 12 noon, 3 working days before the meeting by emailing planningpublicspeaking@eastdevon.gov.uk or

by phoning 01395 517525. A member of the Democratic Services Team will contact you to confirm whether your request has been successful.

- 1 Speakers' list and revised running order for the applications (Pages 4 - 5)
The speakers' list and revised running order for the application will be available on Friday, 25 November 2022.
- 2 Minutes of the previous meeting (Pages 6 - 11)
Minutes of the Planning Committee meeting held on 25 October 2022 and 15 November 2022
- 3 Apologies
- 4 Declarations of interest
Guidance is available online to Councillors and co-opted members on making [declarations of interest](#)
- 5 Matters of urgency
Information on [matters of urgency](#) is available online
- 6 Confidential/exempt item(s)
To agree any items to be dealt with after the public (including press) have been excluded. There are no items that officers recommend should be dealt with in this way.
- 7 Planning appeal statistics (Pages 12 - 23)
Update from the Service Lead – Planning Strategy and Development Management.

Applications for Determination

- 8 22/0990/MFUL (Major) WHIMPLE & ROCKBEARE (Pages 24 - 102)
Land at Marsh Green Farm, Marsh Green, EX5 2EU.
- 9 21/3243/MFUL (Major) CLYST VALLEY (Pages 103 - 130)
Cat and Fiddle Inn, Sidmouth Road, Clyst St Mary, EX5 1DP.
- 10 22/1547/FUL (Minor) DUNKESWELL & OTTERHEAD (Pages 131 - 139)
Turbury Farm, Stamps Coaches, Dunkeswell, EX14 4QN.
- 11 22/0864/FUL (Minor) BUDLEIGH & RALEIGH (Pages 140 - 150)
34 The Creamery, Fore Street, Budleigh Salterton, EX9 6NH.
- 12 22/0873/FUL (Minor) EXMOUTH WITHYCOMBE RALEIGH (Pages 151 - 165)

Olleston, St Johns Road, Exmouth, EX8 5EG.

- 13 22/1513/FUL (Minor) FENITON (Pages 166 - 180)
Otters Pocket, Weston, EX14 3PF.
- 14 21/3308/RES (Minor) NEWTON POPPLEFORD & HARPORD (Pages 181 - 206)
Waterleat, High Street, Newton Poppleford, EX10 0DU.
- 15 22/1407/FUL (Minor) SIDMOUTH RURAL (Pages 207 - 230)
Hare and Hounds Inn, Putts Corner, Sidbury, EX10 0QQ.

Under the Openness of Local Government Bodies Regulations 2014, any members of the public are now allowed to take photographs, film and audio record the proceedings and report on all public meetings (including on social media). No prior notification is needed but it would be helpful if you could let the democratic services team know you plan to film or record so that any necessary arrangements can be made to provide reasonable facilities for you to report on meetings. This permission does not extend to private meetings or parts of meetings which are not open to the public. You should take all recording and photography equipment with you if a public meeting moves into a session which is not open to the public.

If you are recording the meeting, you are asked to act in a reasonable manner and not disrupt the conduct of meetings for example by using intrusive lighting, flash photography or asking people to repeat statements for the benefit of the recording. You may not make an oral commentary during the meeting. The Chair has the power to control public recording and/or reporting so it does not disrupt the meeting.

Members of the public exercising their right to speak during Public Speaking will be recorded.

[Decision making and equalities](#)

For a copy of this agenda in large print, please contact the Democratic Services Team on 01395 517546

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EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Planning Committee held online via zoom on 25 October 2022

Attendance list at end of document

The meeting started at 10.04 am and ended at 1.41 pm. The meeting was briefly adjourned at 11.50 am and reconvened at 11.56 am.

53 Minutes of the previous meeting

Members accepted the minutes of the consultative Planning Committee held on 30 September 2022.

54 Declarations of interest

Minute 56. 21/2217/MRES (Major) CLYST VALLEY.

Councillor Mike Howe, Affects Non-registerable Interest, Bishops Clyst Parish Councillor and owns a shop in the village.

Minute 56. 21/2217/MRES (Major) CLYST VALLEY.

In accordance with the code of good practice for Councillor and Officers dealing with planning matters as set out in the constitution Councillors Kim Bloxham, Bruce De Saram, Olly Davey, Steve Gazzard, Mike Howe, David Key, Richard Lawrence, Geoff Pook and Philip Skinner advised lobbying in respect of this application.

Minute 57. 22/0992/FUL (Minor) EXE VALLEY.

In accordance with the code of good practice for Councillor and Officers dealing with planning matters as set out in the constitution Councillor Mike Howe advised lobbying in respect of this application.

55 Planning appeal statistics

The Committee noted the planning appeals statistics of which four had been allowed and three dismissed. The Service Lead – Planning Strategy and Development Management drew Members attention to the appeals allowed in particular to the following applications:

Application 21/2474/FUL – Goldcombe Farmhouse, Gittisham. It was determined that although the Inspector had acknowledged that access to services would be mostly favoured by driving he considered this would not have an adverse effect on the environment.

Application 20/2298/FUL for change of use to agricultural barns and 22/0041/FUL for a proposed conversion of redundant agricultural building which both related to Greenhayes, Shute, were allowed as the Inspector determined that Policy D8 relating to the conversion of rural buildings in the East Devon Local Plan was out of conformity with the National Planning Policy Framework (NPPF) and while Inspectors had previously considered Policy D8 notwithstanding this it appears that now we cannot demonstrate a five year land supply in the Inspectors mind this added weight to the NPPF over Policy D8. The Service Lead – Planning Strategy and Development Management advised there was a need to understand the consequences to this decision and future decisions and suggested that Members might start to take a more relaxed approach to conversion

applications where they are not entirely remote from services and facilities. Officers would provide further advice on relevant applications as they come to the Committee.

56 **21/2217/MRES (Major) CLYST VALLEY**

Applicant:

S Billings (Burrington Estates (New Homes Limited)).

Location:

Winslade Park, Clyst St Mary.

Proposal:

Reserved matters application pursuant to outline application 20/1001/MOUT seeking details of layout, appearance, scale and landscaping for a residential development of 40 apartments (Zone D).

RECOMMENDATION:

Of deferral for a site inspection to consider the height and massing of the proposed buildings, the impact on trees and landscaping and the impact of internal and external lighting.

57 **22/0992/FUL (Minor) EXE VALLEY**

Applicant:

Highcroft Prestige Properties Ltd.

Location:

Stoke Cottage, Stoke Canon, EX5 4AT.

Proposal:

Demolition of existing dwelling and construction of 7 dwellings with associated landscaping and access.

RECOMMENDATION:

Of refusal as per officer recommendation.

58 **22/1167/RES (Minor) NEWTON POPPLEFORD & HARPORD**

Applicant:

Mr & Mrs Hugo Headon (HH Prestige Homes Ltd).

Location:

Land South of King Alfred Way, Newton Poppleford.

Proposal:

Application for approval of reserved matters (appearance, scale, layout and landscape) following approval of outline planning application 18/2608/OUT.

RECOMMENDATION:

Of approval as per officer recommendation (and appropriate assessment adopted) with amendments to Condition 5 so that the first part reads "Details of the three trees to be planted, as detailed on Plan 22.01.SP06a, shall be....."

59 **22/1590/FUL (Minor) TRINITY**

Applicant:

Mr Ian Thomas.

Location:

Ware Barn, Ware, Lyme Regis, DT7 3RH.

Proposal:

Installation of 36 ground mounted PV solar panels.

RECOMMENDATION:

Of approval as per officer recommendation.

60 **22/1094/RES (Minor) WEST HILL & AYLESBEARE**

Applicant:

Mr G Webb.

Location:

Hasta La Vista, Windmill Lane, West Hill, EX11 1JP.

Proposal:

Reserved matters application for access, appearance, layout, scale and landscaping pursuant to outline planning application 19/2834/OUT.

RECOMMENDATION:

Of approval as per officer recommendation (and appropriate assessment adopted).

61 **Local Development Order for Land off Long Lane**

Members considered and discussed the report presented by the Project Manager Simplified Planning that sought endorsement of the Local Development Order for Land off Long Lane to accelerate the delivery of new commercial development and employment uses.

Questions raised by Members included:

- Clarification was sought on the permitted uses for F1(a) and concerns raised about whether this would be used as a day nursery. In response it was advised the intention was for the expansion of Future Skills Centre;
- Clarification was sought on the purpose of a Local Development Order. The Project Manager Simplified Planning advised it was a council led scheme that allowed developers to move forward with development quickly in accordance with the Local Development Order without the need for multiple planning applications coming to committee;
- Clarification was sought on the rationale for the allocation for food and drink for the indoor sports and recreation as it was suggested the floor space was quite small. In response it was advised the rationale was to only provide catering services to the existing industrial estate and Future Skills Centre and not to encourage other people to the site.

RECOMMENDATION:

Of adoption of the Local Development Order for land off Long Lane.

Following news from the Planning Solicitor that the Planning Barrister had attended her last Planning Committee the Chair thanked Mrs Shaw for her wise counsel and guidance and said Mr Hunter would do his best to fill your shoes.

Attendance List

Councillors present (for some or all the meeting)

E Wragg (Chair)
S Chamberlain (Vice-Chair)
K Bloxham
C Brown
O Davey
B De Saram
S Gazzard
M Howe (left the meeting after item 8 - application 21/2217/MRES)
D Key
R Lawrence
G Pook
G Pratt
E Rylance
P Skinner

Councillors also present (for some or all the meeting)

J Bailey
P Hayward
G Jung
J Kemp
P Millar

Officers in attendance:

Ed Freeman, Service Lead Planning Strategy and Development Management
Damian Hunter, Planning Solicitor
Wendy Harris, Democratic Services Officer
Shirley Shaw, Planning Barrister
Amanda Coombes, Democratic Services Officer
Frances Wadsley, Project Manager, Planning, Growth, Development & Prosperity

Councillor apologies:

A Colman
T Woodward

Chairman

Date:

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Planning Committee held at Council Chamber, Blackdown House, Honiton on 15 November 2022

Attendance list at end of document

The meeting started at 11.33 am and ended at 12.35 pm

62 Declarations of interest

Minute 63. 21/2217/MRES (Major) CLYST VALLEY.

In accordance with the code of good practice for councillors and officers dealing with planning matters as set out in the constitution Councillors, Wragg, Brown, De Saram, Howe, Key and Skinner advised lobbying from the agent in respect of this application.

Minute 63. 21/2217/MRES (Major) CLYST VALLEY.

In accordance with the code of good practice for councillors and officers dealing with planning matters as set out in the constitution Councillor Howe advised lobbying in respect of this application as he had spoken to many residents about the site in his role as Ward Member.

Minute 63. 21/2217/MRES (Major) CLYST VALLEY.

In accordance with the code of good practice for councillors and officers dealing with planning matters as set out in the constitution Councillor Davey advised lobbying from a resident in respect of this application.

63 21/2217/MRES (Major) CLYST VALLEY

Applicant:

S Billings (Burrington Estates (New Homes) Limited).

Location:

Winslade Park, Clyst St Mary.

Proposal:

Reserved matters application pursuant to outline application 20/1001/MOUT seeking details of layout, appearance, scale and landscaping for a residential development of 40 apartments (Zone D).

RESOLVED:

Approved as per officer recommendation but subject to the following two conditions in consultation with the Chair, Vice Chair and Ward Member:

- The specification of the glazing for the three apartment blocks be agreed prior to its installation for all four storeys of the development facing the woods in order to protect the wildlife and living conditions of the residents in Clyst Valley Road;
- The definitive height of the three apartment blocks to be made clear in relation to an identified datum point.

Attendance List

Councillors present:

E Wragg (Chair)

S Chamberlain (Vice-Chair)
C Brown
O Davey
B De Saram
M Howe
D Key
G Pratt
E Rylance
P Skinner
T Woodward

Councillors also present (for some or all the meeting)

P Faithfull

Officers in attendance:

Gavin Spiller, Principal Planning Officer (West)
Damian Hunter, Planning Solicitor
Wendy Harris, Democratic Services Officer

Councillor apologies:

K Bloxham
S Gazzard
R Lawrence

Chairman

Date:

**EAST DEVON DISTRICT COUNCIL
LIST OF PLANNING APPEALS LODGED**

Ref: 22/0721/FUL **Date Received** 18.10.2022
Appellant: Mr Michael Anaman
Appeal Site: 16 Windsor Square Exmouth Devon EX8 1JX
Proposal: Removal of garden wall to rear garden, creation of off street parking with electric charging points, replacement of outbuilding, restoration of steps to rear door and associated landscaping.
Planning Inspectorate Ref: APP/U1105/D/22/3309277

Ref: 22/1411/FUL **Date Received** 31.10.2022
Appellant: Lesley and Clive Webb
Appeal Site: Hamble Barline Beer Devon EX12 3LR
Proposal: Construction of 1 no. dwelling and associated works
Planning Inspectorate Ref: APP/U1105/W/22/3310072

EAST DEVON DISTRICT COUNCIL
LIST OF PLANNING APPEALS DECIDED

Ref:	21/2683/FUL	Appeal Ref:	22/00019/HH
Appellant:	Andrew Hill		
Appeal Site:	Abbots Cottage Combe Raleigh Honiton EX14 4TQ		
Proposal:	Removal of existing shed and greenhouse and replacement with a summerhouse.		
Decision:	Appeal Dismissed	Date:	10.10.2022
Procedure:	Householder		
Remarks:	Delegated refusal, listed building conservation reasons upheld (EDLP Policies D1, EN8 & EN9 and Strategies 3, 5, 46, 48 & 49).		
BVPI 204:	Yes		
Planning	APP/U1105/D/22/3296282		
Inspectorate Ref:			

Ref:	21/1625/FUL	Appeal Ref:	22/00015/REF
Appellant:	Mr Nicholas Arrow		
Appeal Site:	The Old Reading Room Axminster Road Musbury Axminster EX13 8AZ		
Proposal:	Change of use from artist studio (sui generis) to hobby room ancillary to 'The Beeches' (use class C3)		
Decision:	Appeal Dismissed	Date:	11.10.2022
Procedure:	Written representations		
Remarks:	Delegated refusal, loss of employment/business reasons upheld (EDLP Strategies 3, 4 & 32).		
BVPI 204:	Yes		
Planning	APP/U1105/W/22/3295698		
Inspectorate Ref:			

Ref:	21/1970/FUL	Appeal Ref:	21/00082/REF
Appellant:	Mr S Boswell & Ms F Bond		
Appeal Site:	Milcot Farway Colyton EX24 6ED		
Proposal:	Demolition of existing lean-to and construction of single storey rear extension.		
Decision:	Appeal Dismissed	Date:	12.10.2022
Procedure:	Written representations		
Remarks:	Delegated refusal, listed building conservation reasons upheld (EDLP Policy EN9).		
BVPI 204:	Yes		
Planning	APP/U1105/W/22/3297372		
Inspectorate Ref:			

Ref: 21/1971/LBC **Appeal Ref:** 21/00083/LBCREF
Appellant: Mr S Boswell & Ms F Bond
Appeal Site: Milcot Farway Colton EX24 6ED
Proposal: Demolition of existing lean-to and construction of single storey rear extension
Decision: **Appeal Dismissed** **Date:** 12.10.2022
Procedure: Written representations
Remarks: Delegated refusal, listed building conservation reasons upheld (EDLP Policy EN9).
BVPI 204: No
Planning APP/U1105/Y/22/3297377
Inspectorate Ref:

Ref: 22/0489/FUL **Appeal Ref:** 22/00034/HH
Appellant: Mr Andrew Walters
Appeal Site: 9 Old Home Farm Rousdon Lyme Regis DT7 3YL
Proposal: Construction of second parking space, demolition of part of front garden wall and lower kerb on private road
Decision: **Appeal Allowed** **Date:** 24.10.2022
(with conditions)
Procedure: Householder
Remarks: Delegated refusal, conservation reasons overruled (EDLP Policies D1, EN9 & EN10).

The Inspector considered that the proposal would have a negligible impact on the character and appearance of the conservation area. He noted that most other houses along the road have smaller front gardens or abut the road edge therefore limiting opportunities for off road parking which might result in the removal of significant sections of front boundary walls. However, he considered that it would be a matter for the Council to consider whether there would be any cumulative harm if such proposals came forward.

The Inspector concluded that the proposed development would preserve the character and appearance of the conservation area and would accord with Policies D1, EN9, and EN10 of the East Devon Local Plan 2013 - 2031 and the National Planning Policy Framework.

BVPI 204: Yes
Planning APP/U1105/D/22/3302507
Inspectorate Ref:

Ref: 21/3361/LBC **Appeal Ref:** 22/00048/NONDET
Appellant: Mr & Mrs Jani Marok
Appeal Site: Richards Farm Payhembury Honiton EX14 3HL
Proposal: Install Starlink satellite dish for the provision of internet atop chimney stack on south west elevation of main dwelling
Decision: **Appeal Withdrawn** **Date:** 25.10.2022

BVPI 204: No
Planning APP/U1105/Y/22/3307238
Inspectorate Ref:

Ref: 22/0479/FUL **Appeal Ref:** 22/00032/HH
Appellant: Mr Christopher Timms
Appeal Site: Blue Ridge Elm Way Sidford Sidmouth EX10 9SY
Proposal: Raising of roof to provide first floor accommodation.
Decision: **Appeal Dismissed** **Date:** 27.10.2022
Procedure: Householder
Remarks: Delegated refusal, amenity and design reasons upheld (EDLP Policy D1).
BVPI 204: Yes
Planning APP/U1105/D/22/3302246
Inspectorate Ref:

Ref: 21/2901/FUL **Appeal Ref:** 22/00018/REF
Appellant: Mr Charlie Howard
Appeal Site: Chadacres Hawkchurch Axminster EX13 5XB
Proposal: Extension of existing implement shed.
Decision: **Appeal Allowed** **Date:** 02.11.2022
Procedure: (with conditions) Written representations
Remarks: Delegated refusal, countryside protection reasons overruled (EDLP Strategy 7 & Policy D7).

The Inspector considered that due to the topography and landscape features immediately surrounding the site coupled with its design and use of materials, the existing shed is a harmonious feature in the rural setting and the proposed extension would be a subservient addition to the existing building.

She concluded that the proposed development would not harm the character and appearance of the area. As such, it would accord with Strategy 7 and Policy D7 of the East Devon Local Plan 2013-2031 and comply with the guidance and principles set out within Chapter 12 of the National Planning Policy Framework, which aims to ensure developments are sympathetic to the local character and their landscape setting.

BVPI 204: Yes
Planning APP/U1105/W/22/3296021
Inspectorate Ref:

Ref: 21/0463/FUL **Appeal Ref:** 22/00010/REF
Appellant: Miss Dawn Bradbury
Appeal Site: Hornshayes Farm Stockland EX14 9BX
Proposal: Retain residential use of the static caravan situated on the site located at Hornshayes Farm.
Decision: **Appeal Dismissed** **Date:** 07.11.2022
Procedure: Hearing
Remarks: Delegated refusal, countryside protection, landscape and lack of justified need reasons upheld (EDLP Strategies 7 & 46 and Policy H4).
BVPI 204: Yes
Planning APP/U1105/W/22/3294817
Inspectorate Ref:

Ref: 20/F0432 **Appeal Ref:** 22/00013/ENFAPP
Appellant: Mrs Dawn Bradbury
Appeal Site: The Caravan Hornshayes Farm Stockland Honiton EX14 9BX
Proposal: Appeal against enforcement notice served in respect of the unauthorised use of the caravan
Decision: **Appeal Dismissed** **Date:** 07.11.2022
Procedure: Hearing
Remarks: Countryside protection, landscape and lack of justified need reasons upheld (EDLP Strategies 7 & 46 and Policy H4). Enforcement Notice corrected, varied and upheld.
BVPI 204: No
Planning APP/U1105/C/22/3295289
Inspectorate Ref:

East Devon District Council

List of Appeals in Progress

App.No: 20/2701/FUL
Appeal Ref: APP/U1105/W/21/3287929
Appellant: Mr Martin Jackson
Address: 18 Hartley Road Exmouth EX8 2BQ
Proposal: Construction of dwelling.
Start Date: 18 January 2022 **Procedure:**
 Written reps.
Questionnaire Due Date: 25 January 2022
Statement Due Date: 22 February 2022

App.No:	21/F0364	
Appeal Ref:	APP/U1105/C/22/3295011	
Appellant:	Stuart Partners Ltd	
Address:	Land at Hill Barton, Sidmouth Road, Clyst St Mary, EX5 1DR	
Proposal:	Appeal against enforcement notice served in respect of the change of use of the land from agriculture to a mixed use of agriculture and commercial parking area used by lorries, commercial vehicles, cars, plant and machinery and the siting of skips and shipping containers.	
Start Date:	29 March 2022	Procedure: Written Reps.
Questionnaire Due Date:	12 April 2022	
Statement Due Date:	10 May 2022	

App.No: 20/F0319
Appeal Ref: APP/U1105/C/22/3298710
Appellant: Mr & Mrs Barnes And Operators
Address: Stopgate Farm Yarcombe Honiton EX14 9NB
Proposal; Appeal against enforcement notice served in respect of the construction of a cement silo, water silo, site office and additional concrete area.
Start Date: 27 May 2022 **Procedure:**
 Hearing
Questionnaire Due Date: 10 June 2022
Statement Due Date: 8 July 2022
Hearing Date: 7 February 2023

App.No: 21/1512/FUL
Appeal Ref: APP/U1105/W/22/3296441
Appellant: Mr and Mrs Rob and Claire Hilton
Address: Land North East Of Atlantis Sowden Lane Exmouth
Proposal: Erection of a sustainable zero carbon live/work development to include creation of a productive landscape rich in biodiversity.
Start Date: 29 June 2022 **Procedure:**
 Written Reps.
Questionnaire Due Date: 6 July 2022
Statement Due Date: 3 August 2022

App.No: 21/1714/FUL
Appeal Ref: APP/U1105/W/22/3300099
Appellant: Bodenham (B & H Developments Ltd)
Address: The Old Workshop Kerslakes Court Honiton EX14 1FL
Proposal: Construction of 5 bedroom house in multiple occupation (Use Class C4).
Start Date: 6 July 2022 **Procedure:**
 Written Reps.
Questionnaire Due Date: 13 July 2022
Statement Due Date: 10 August 2022

App.No: 22/0276/FUL
Appeal Ref: APP/U1105/W/22/3303968
Appellant: Mr Simon Lancaster
Address: 18 Minifie Road Honiton EX14 1NF
Proposal: Erection of a semi-detached dwelling
Start Date: 20 September 2022 **Procedure:**
 Written reps.
Questionnaire Due Date: 27 September 2022
Statement Due Date: 25 October 2022

App.No: 22/0318/FUL
Appeal Ref: APP/U1105/W/22/3301884
Appellant: Mr Andrew Vickery
Address: Oak Tree House Old Ebford Lane Ebford Exeter EX3 0QR
Proposal; Erection of replacement dwelling.
Start Date: 26 September 2022 **Procedure:**
 Written reps.
Questionnaire Due Date: 3 October 2022
Statement Due Date: 31 October 2022

App.No: 21/2531/FUL
Appeal Ref: APP/U1105/W/22/3303671
Appellant: Mr Michael Huxtable
Address: Land South Of Treetops Toadpit Lane West Hill
Proposal: Two storey detached dwelling, and change of use of land to residential curtilage.
Start Date: 26 September 2022 **Procedure:**
 Written reps.
Questionnaire Due Date: 3 October 2022
Statement Due Date: 31 October 2022

App.No: 21/1837/FUL
Appeal Ref: APP/U1105/W/22/3302272
Appellant: Russell and Julie Payne
Address: Lucehayne Cottage Widworthy Honiton EX14 9JS
Proposal: Change of use of annexe building, approved under permission 18/2546/FUL, for use as either an annexe and/or for holiday accommodation purposes
Start Date: 6 October 2022 **Procedure:**
 Written reps.
Questionnaire Due Date: 13 October 2022
Statement Due Date: 10 November 2022

App.No: 21/0103/FUL
Appeal Ref: APP/U1105/W/22/3303990
Appellant: Mr D Crocker
Address: Chestnuts 65 Salterton Road Exmouth EX8 2EJ
Proposal: Demolition of existing buildings and construction of 9 no. apartments with associated parking, cycle and bin stores and creation of new vehicular access onto Salterton Road.
Start Date: 6 October 2022 **Procedure:**
 Written reps.
Questionnaire Due Date: 13 October 2022
Statement Due Date: 10 November 2022

App.No: 22/0352/OUT
Appeal Ref: APP/U1105/W/22/3304675
Appellant: Mr and Mrs Mears
Address: 77 Seaton Down Road Seaton EX12 2HA
Proposal: Construction of a single storey dwelling accessed from Marlpit Lane following demolition of an existing car port; and construction of a parking bay accessed from Seaton Down Road. (Outline application with all matters reserved.)
Start Date: 6 October 2022 **Procedure:**
 Written reps.
Questionnaire Due Date: 13 October 2022
Statement Due Date: 10 November 2022

App.No: 21/2781/FUL
Appeal Ref: APP/U1105/W/22/3303190
Appellant: Mr. D Brazendale
Address: Sceat Cottage Colyton EX24 6DP
Proposal: Change of use from holiday cottage to unrestricted residential dwelling (Use Class C3)
Start Date: 7 October 2022 **Procedure:**
 Written reps.
Questionnaire Due Date: 14 October 2022
Statement Due Date: 11 November 2022

App.No: 22/0817/FUL
Appeal Ref: APP/U1105/W/22/3303809
Appellant: Mr & Mrs R & H Bennett
Address: Land At SY 22647 92588 Colyton Hill Colyton (Landfill Site At Whitwell Farm, Seaton)
Proposal: Siting of shepherd's hut for holiday accommodation.
Start Date: 11 October 2022 **Procedure:**
 Written reps.
Questionnaire Due Date: 18 October 2022
Statement Due Date: 15 November 2022

App.No: 22/0721/FUL
Appeal Ref: APP/U1105/D/22/3309277
Appellant: Mr Michael Anaman
Address: 16 Windsor Square Exmouth Devon EX8 1JX
Proposal; Removal of garden wall to rear garden, creation of off street parking with electric charging points, replacement of outbuilding, restoration of steps to rear door and associated landscaping.
Start Date: 11 November 2022 **Procedure:**
 Householder
Questionnaire Due Date: 18 November 2022

Agenda Item 8

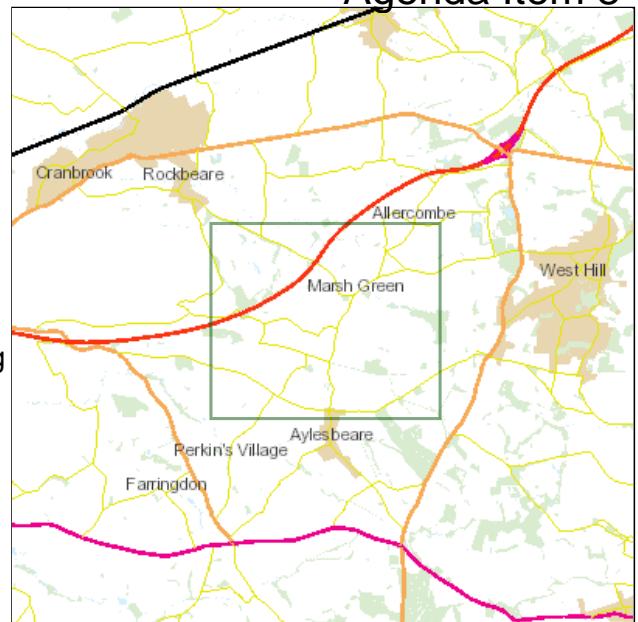
Ward Whimple And Rockbeare

Reference 22/0990/MFUL

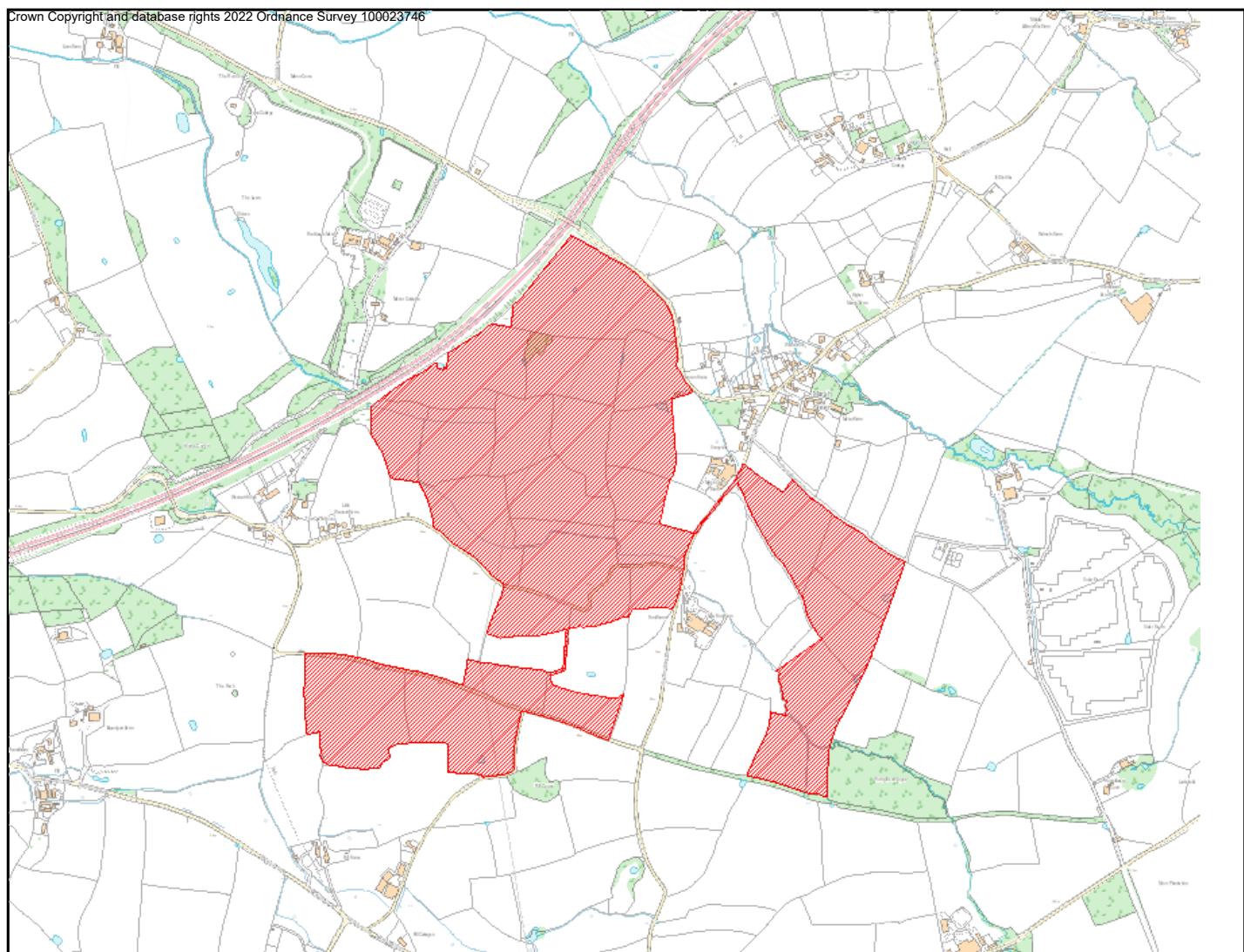
Applicant Mr Phil Cookson (Low Carbon Alliance)

Location Land At Marsh Green Farm Marsh Green EX5 2EU

Proposal Construction and operation of a ground mounted solar farm and associated landscaping and ecological habitat, with permission being required for 40 years, comprising solar arrays, equipment housing, sub-station, fencing, ancillary equipment and associated development; temporary change of use of land for construction compound (off site)



RECOMMENDATION: Approval with conditions



		Committee Date: 29.11.2022
Whimble And Rockbeare (Rockbeare)	22/0990/MFUL	Target Date: 18.08.2022
Applicant:	Mr Phil Cookson (Low Carbon Alliance)	
Location:	Land At Marsh Green Farm Marsh Green	
Proposal:	Construction and operation of a ground mounted solar farm and associated landscaping and ecological habitat, with permission being required for 40 years, comprising solar arrays, equipment housing, sub-station, fencing, ancillary equipment and associated development; temporary change of use of land for construction compound (off site)	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before the Development Management Committee as it is a major application, where a view contrary to the recommendation has been expressed by the Ward Member and Parish Council.

Planning permission is sought for the construction of a 30MW solar farm comprising of solar arrays, equipment housing, sub-station, fencing, CCTV and ancillary equipment. The application seeks to retain this use for 40 years. The application site also includes a separate agricultural field at Clyst Honiton to provide a temporary construction traffic reception area.

This proposal is one of two solar developments currently under consideration in this part of the District at different stages of consideration. Clearly though, whilst the cumulative impact, if one or more of the other developments were approved and implemented alongside this application, is a material consideration, the key focus of this report is on the impacts from the solar farm proposal at Marsh Green, and the recommendation therefore relates only to this planning application.

Whilst the site is located within the open countryside, the principle of development is supported by Strategy 39- Renewable and Low Carbon Energy Projects of the Local Plan. This strategy supports and encourages renewable energy projects with the reasoned justification to the policy stating that 'Significant weight will be given to the wider environment, social and economic benefits of renewable or low-carbon energy projects whatever their scale'.

This support is subject to there being no adverse impacts on features of environmental and heritage sensitivity, including any cumulative landscape impacts and visual impacts, being satisfactorily addressed. Applicants are also required to demonstrate that they have taken appropriate steps in considering the options in relation to location, scale and design, avoiding harm and then reducing any harm through appropriate mitigation.

The application site for the solar farm refers to approximately 74 hectares of 27 individual agricultural field parcels to the east and south of the settlement of Marsh Green and to the east of Rockbeare and the A30. The field parcels are located within a low lying, undulating part of the area where the predominant land-use is agricultural with scattered isolated farms and small settlements. The site is located within the countryside and is not the subject of any national or local landscape designations.

The proposed solar farm would introduce a large scale industrial development into the countryside which would result in a change to the rural landscape and character and appearance of the area the harm from which has to be weighed within the overall planning balance against the benefits that would be provided from this significant renewable energy scheme. However, due to the land form and the topography of the site, this landscape impact would be largely localised in terms of views from surrounding rural roads, through field gates and from a public footpath and would not be significantly harmful in terms of its wider landscape impact or its cumulative impacts with other constructed or consented solar schemes. The visual impact can be further mitigated through additional landscaping, ecological enhancements and future management of existing hedgerows and trees.

The proposal would result in the loss of 7 ha of grade 3a agricultural land with the remaining 80 ha classified as grade 3b. Officers are satisfied that this proposal would not result in a significant loss of BMV agricultural land and that the benefits of the development justify the loss of the limited amount of higher quality agricultural land. The proposal would comply with the provisions of policy EN13- Development on High Quality Agricultural Land of the Local Plan.

The proposal would be on the periphery of the setting of a number of grade II listed buildings which would result in less than substantial harm as a result of a change to the surrounding landscape that would be introduced to the setting of these designated heritage assets. The less than substantial harm identified is considered to be outweighed by the public and environmental benefits of providing renewable green energy, especially given the current climate crisis and the fact that the loss of high grade agricultural land would be limited, would outweigh any less than substantial harm to the significance of heritage assets, in accordance with Paragraph 202 of the NPPF.

Furthermore, in the absence of any technical objections, the lack of wider amenity impacts in terms of traffic and highways impacts, ecology, flood risk and drainage and impacts on residential amenity, on balance, it is considered that the proposed 30 MW solar installation complies with both Local Plan Strategy 39 which supports the principle of development and National policy.

The substantial public benefit to be derived from this significant renewable energy proposal would support the government's national strategy and policy requirement to be net zero by 2050 which should be afforded a significant amount of weight within the overall planning balance.

It is therefore recommended that this application is approved for a temporary period of 40 years.

CONSULTATIONS

Local Consultations

Whimple And Rockbeare - Cllr Richard Lawrence

I am extremely concerned that the DCC Flood Risk SuDS Consultation raises objections because the scheme does not conform to EDDC Policy EN22 (Surface Run-off Implications). There are already serious flood risks in this area and this proposal will most certainly exacerbate the problem. The response from the Environmental Consultants employed by the applicant states that the proposed SuDS features "may" reduce the velocity of waters flowing downstream to Rockbeare. I am afraid that the word "may" does precious little to alleviate the very real fears of Residents, particularly in view of the increased propensity of adverse weather conditions predicted for the future.

The combination of proposed filter drains, leaky dams and swales is admirable but needs continuous maintenance in order to operate with any degree of success, but I see no plans a maintenance regime. Building and walking away from responsibility is not acceptable.

The Environment Agency has also requested that the application is not determined until the applicant has provided information to confirm that the proposal be amended to ensure that the development avoids the areas of highest flood risk and do not lead to an increase in flood risk elsewhere.

Devon Highways have approved the Construction Traffic Management Plan but in light of the fact that DCC own some of the land in question there is a very serious financial conflict of interest and I would want to see an Independent TMP. To this end I would propose a site visit in order for the Planning Committee to see first hand the complexity of (in my view and that of Residents) the totally unsuitable lanes proposed to be incorporated in this plan.

I cannot support this application until I have further information and reserve my final decision until I am in possession of all relevant arguments for and against.

Parish/Town Council

On 19th May 2021, Low Carbon Alliance (hereinafter referred to as 'the Applicant'), submitted a planning application for the installation and operation by a Japanese company of a solar farm and associated infrastructure, in accordance with application reference number 22/0990/MFUL.

Rockbeare Parish Council, the appropriate body for the proposed development area, hereby articulates its desire to object to the application, in the strongest terms. The grounds for the objection are set out in the following sections of this document.

The Parish Council's objection is based on many factors, all of which highlight the unsuitability of the area for the proposed development. The reasons are addressed in the following submission.

Policy and Statutory Considerations

In the matter of the Lightsource SVP 114 Ltd and North Hertfordshire Council Application reference 14/02360/1), Secretary of State for Communities and Local Government upheld the decision of the Planning Inspectorate, which overturned the decision of North Hertfordshire Council, which approved the siting of a Solar Farm, and associated infrastructure in the North Hertfordshire area.

Within his summary, the Secretary of State clearly referred the parties to the National Planning Policy Framework (hereinafter referred to as 'the Framework'), which highlights the factors to be considered, when an application for the installation of a Solar Farm, and associated infrastructure, is being considered.

In his written statement, The Right Honourable Sir Eric Pickles, provided that, inter alia, 'any proposal for a solar farm, involving the use of Agricultural land that is capable of growing crops would need to be justified by the most compelling evidence.

The proposed development area falls within Rockbeare Parish. The proposed development area is open country and comprises mainly grades 3a and 3b arable farmland.

Grade 3 agricultural land is classed as being 'good to moderate quality agricultural land' with Grade 3a falling into the classification designates as 'the best and most versatile land' by Government policy guidance. This is the land, which is most flexible, productive, and efficient in response to inputs, and which can best deliver future crops for food and non-food uses such as biomass, fibres, and pharmaceuticals.

Current estimates are that Grades 1 and 2 together form about 21 per cent of all farmlands in England - Subgrade 3a contains a similar amount 20%. Grade 3b 60% of UK productive land.

Natural England (TIN049) states:

'Most of our land area is in agricultural use. How this important natural resource is used is vital to sustainable development. This includes taking the right decisions about protecting it from inappropriate development.'

Policy to Protect Agricultural Land Policy EN13)

Government policy for England is set out in the National Planning Policy Framework (NPPF) published in March 2012 (paragraph 112). Decisions rest with the relevant planning authorities who should consider the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality. The Government has also re-affirmed the importance of protecting our soils and the services they provide in the Natural Environment White Paper 'The Natural Choice': securing the value of nature (June 2011), including the protection of best and most versatile agricultural land (paragraph 2.35).

The proposed development is therefore at odds with Government Policy. 'A Green Future' is the Government's Plan to improve the Environment. This document sets out the government's 25-year plan to improve the health of the environment by using natural resources more sustainably and efficiently, the plan aims to:

- o protect the best agricultural land
- o put a value on soils as part of our natural capital
- o manage soils in a sustainable way by 2030

The National Planning Policy Framework (NPPF), Chapter 15, clearly sets out the requirement for Local Planning Authorities (LPA's) to make decisions about the natural and local environment, using the NPPF, to:

- o protect and enhance landscapes, biodiversity, geology, and soils
- o recognise soils as a natural capital asset that provide important ecosystem services
- o consider the economic and other benefits of BMV agricultural land, and try to use areas of poorer quality land instead of higher quality land
- o prevent soil, air, water, or noise pollution, or land instability from new and existing development.

The solar farm proposal sets out to remove approximately seventy-five acres of arable farmland from food production purposes, 600 acres in the immediate area . Apart from the fact that, in October 2021, MAFF published a report highlighting the overall loss of land suitable for food production, in recent years (refers).

The current global impact of the Russian invasion of Ukraine, a major producer of grain for Europe, the destruction of crops, farms, and machinery, are all likely to impact further than at present on the ability to produce food. The increased price of grain, [Wheat Futures are £350 in November 2022] resulting from this action is already impacting adversely on food prices in this country, with the poorest sectors of society being hardest hit. Recovery of the market is likely to take a considerable period. It is, therefore, incumbent upon Planners to ensure that arable farmland is not unnecessarily removed from the agricultural land bank.

The proposed development site is a valuable national resource. Research conducted highlights that the site has the potential to provide the following yields
: Crop Yield (Total) Wheat 1400 tonnes Barley 1800 tonnes Potatoes 6600 tonnes Maize 12000 tonnes

The benefit of Maize production is key. Maize will grow well in poorer (grade 3b) soil and, apart from producing flour, it can be used as cattle feed. Maize in cattle feed had been shown to increase milk yield by up to 25%, it also provides for a substantial (20%) increased growth in beef cattle - thus providing farmers with an option of reducing herd sizes/ carbon emissions without a reduction in yields.

The proposed site is currently surrounded by fields planted to wheat, there is therefore no reason the site cannot be similarly utilised.

It is claimed by Low Carbon Alliance that the land, if developed, will be suitable for the grazing of sheep. That contention is disputed by professionals . Once covered in solar panels, the grass beneath the same will be starved of light and will be unlikely to be nutritious to animals. Further to this, the area is prone to serious flooding. It is the contention of the Environment Agency that where areas are prone to flooding, it is advisable to keep the grass long, to assist with drainage/ ground water dispersal. Long grass disperses water, whereas shortened grass will exacerbate the flooding issues. It is also noted that, although the applicant has stated that sheep could graze, no evidence of a definite agreement for grazing has been provided.

The Parish Council objects to the application made by Low Carbon Alliance, on the grounds that the proposal conflicts with the stated objectives of Government Policy EN13.

Chapter 15 of the NPPF places the following obligations upon LPA's

Conserving and enhancing the natural environment

Paragraphs 174 and 175

174. Planning policies and decisions should contribute to and enhance the natural and local environment by:

- (a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan).
- (b) recognising the intrinsic character and beauty of the countryside, protect the hedgerows and ancient OAK TREES and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.
- (c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate.
- (d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

(e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality.

(f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

175. Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework (numbered 58) , take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.

It is the contention of the Parish Council, and majority of residents, that the proposed development will not enhance and contribute to the natural and local environment.

In the first instance, the proposed development does not enhance the area, which lies mainly to farmland and hedgerows. The proposed mitigation will not detract from an installation that will be incongruous to the area. The topography of the land will ensure that successful screening of the panels will not be meaningfully achieved.

The villages of Marsh Green/ Westcott have been a small rural/ agricultural community for hundreds of years, with no major industrial development having been undertaken in the area. The impact of the proposed development will change the character of the villages indefinitely.

Within the villages are several substantial Grade 2 listed buildings which, in common with building methods many years ago, do not have the benefit of foundations. The proposed transportation of equipment/ materials by road is likely to undermine the stability of at least one of these properties as it lies within 6 feet of the wheels of HGV vehicles that would use the proposed transportation route. It is possible that the constant vibration could split the brickwork and collapse the dwellings, with RISK TO LIFE , No provision appears to have been made by the applicant to compensate for any such damage.

It is proposed that the Westcott Village Green will be removed to allow the HGVs to pass, Whilst a small area of land, it is nonetheless a village amenity. The proposal has been made without consultation with the owners and village residents.

The proposed development site, and its surrounding area, is rich in wildlife. However, the development of the area, in the manner proposed, will result in the extant wildlife being dispersed and, thus, lost to the community. At present, deer and raptors are seen in the area. Those would likely disappear.

The 'environmental enhancements' vaunted by the developer are minimal and would do little to address the flooding issues currently experienced by the area. Indeed, it is

likely that the proposal, in its entirety, will exacerbate an already fundamental problem.

The Parish Council objects to the proposed development on the grounds that it does not enhance the natural / local environment but, rather, will detract from it. No consideration has been given to the environmental damage that will be sustained to wildlife, the flora and fauna of the area and, potentially, to properties in the area.

The proposals put forward for the transportation of equipment and materials is unacceptable. As previously stated, the proposed development site is rural and served by narrow lanes and roads. At present, the road structure cannot cope with large vehicles and, frequently, it has been necessary for smaller vehicles to reverse for up to a quarter of a mile, when encountering a heavy vehicle. Apart from the dangers faced when reversing for long distances, the time lost to residents caught up in such 'traffic jams' has proved to be substantial over the past few years, In particular, the Planning Officer's attention is drawn to the Parish Council discussions with both EDDC (via Cllr Lawrence) and Devon County Council Highways Department, relating to the congestion in the area. We respectfully invite the Planning Officer to visit the area to inspect the nature of the access roads to the proposed site.

Long Lane / Westcott Road, and the hamlet of Westcott, are unsuitable for HGV vehicles . Devon County Council Highways Department currently has a sign in place, stating that the road is ' NOT SUITABLE FOR HGV' . The road is too narrow and has few passing places. HGV 's will, most likely, encroach onto banks and hedges, damaging/ destroying the same. Walkers are also likely to be at risk due to the lack of footpaths and the narrowness of the lane.

The hamlet has only one way in and out and would be closed for many days / weeks at a time shutting off the residents of Westcott from daily life , children to and from school , adults to and from work and other essential journeys . This situation arguably increases the risk to human life as emergency services would likely be delayed.

Notwithstanding the unsuitability of the access roads/ lanes, the development will result in increased numbers of workers vehicles in an area that has no suitable parking facilities. On road parking is not deemed to be an option as this will result in congested/ blocked access roads to and from the area. Neither is it permissible for workers to park their vehicle on private roads/ driveways/ verges.

The proposed transportation of vehicles/ equipment is a matter for concern. The area is currently used by cyclists and horse riders, who have no off-road tracks available to them. The noise from heavy vehicles, and from the construction site, is highly likely to breach the terms and conditions, as set out in the Environmental Protection Act 1990

In short, the proposed development will damage the character of the area, destroy current wildlife habitats, create a danger to other road users and cause extreme congestion in the area. The propensity for damaging trees on the access route is

also a cause for concern as the character of the area is defined by its indigenous flora and fauna.

The Parish Council objects to the development on the grounds that the area will be irreparably altered, with substantial damage to trees, wildlife, verges, and humans being (on the balance of probabilities) likely.

Other Matters for Consideration

- o Other matters of concern arise from the dubious sustainability of the material to be used in the construction of the solar panels. It has not been proven that these are environmentally acceptable.
- o The decommissioning of the site is unlikely to return it to its original condition, thus rendering it unusable for food production. No method statement for such decommissioning has been provided.
- o The manufacture of the panels is not being undertaken locally/ UK. These are being shipped into the country from China / Japan. Therefore, British Industry will not benefit.
- o The carbon footprint of the mining and manufacturing, plus transportation, of the panels arguably offsets any perceived green energy benefit .
- o No local employment will arise from the development, therefore there is not local benefit to be derived.
- o Proximity to the village of Marsh Green and the dwellings therein is a major issue and , arguably, presents a risk to children, should they manage to gain access to the site . Solar sites previously approved have generally been outlying from dwellings. The proposed development lies in close proximity to the village and dwellings .
- o Constant noise from the generators, estimated at 45dcb, is deemed to have the potential to constitute a noise nuisance (EPA 1990).
- o The application submitted contravenes the Rockbeare Neighbourhood Plan.
- o Solar panels often fail after 5 to 10 years, and cannot be recycled , potentially creating future EDDC landfill issues .

In conclusion, it is hoped that this matter will be placed before the EDDC Planning Committee, and that full and frank discussions and consideration is given to the inappropriate nature of the proposal submitted by Low Carbon Alliance, which is intent on selling the project to another developer, should planning permission be granted.

Adjoining Parish

Aylesbeare Parish Council broadly supports this project because of the need for generation of renewable energy and the need for farms to diversify. Aylesbeare Parish Council also supports the significant level of biodiversity and the amount of land given to wildlife and nature. However, the Council does have significant concerns which it hopes the Planners will address. They are:-

Construction phase

The route planned for the goods to arrive on site follows roads that flood frequently due, in part, to old drains that regularly get damaged. Aylesbeare Parish Council is concerned that road surveys will only address the surface of the route to and from the compound near the airport. The Council believes that a camera survey of the

drains should be required before and after the project to ensure that the drains are left in as good or, hopefully, better condition after the construction has finished.

The project will inevitably lead to mud being left on the public highways of the transport route. Aylesbeare Parish Council hopes that the Planners will include a condition that the roads are suitably cleaned immediately after use to avoid this obvious accident risk.

The hard surfaces throughout the project (including the lanes will need drainage that does not rely on percolation as the soil is clay).

The road to be used does have a DCC Highways sign saying "Unsuitable for HGVs". Aylesbeare Parish Council trusts that the roads will be made suitable for the heavy construction traffic without damage to Devon banks and hedgerows leaving a permanent benefit for the community.

Aylesbeare Parish Council hopes that, should the project go ahead, Highways will take the opportunity to impose a sensible speed limit on Marwood Road which is continually used as a high-speed 'rat run' by commuters and delivery drivers.

The Parish Council also hopes that consideration is given to the possibility of a vehicle breakdown during a convoy. This would surely block the road and arrangements for rapid recovery should be made.

Once the construction is complete Aylesbeare Parish Council hopes it will be a condition to restore the area to original conditions wherever possible.

Ongoing

The footpath from which a viewpoint is given in the plans is marked incorrectly on the map - the view in reality will be almost completely of PV panels on the actual path.

The tree shielding that is planned will need planting with semi-mature trees rather than whips as it will take a decade or more before the whips provide an acceptable level of shielding.

The water attenuation will be fundamental to the success of the site in a locality where flooding is common. Footpath 7 towards Aylesbeare, Marwood Road, Marsh Green play area and many other smaller areas flood easily.

The Landscape areas in Aylesbeare have been reduced from earlier (unsubmitted) plans. These areas will be needed as the hedgerows are in 3rd party ownership. The fencing of the panelled fields will need to allow wildlife passage between the fields. Aylesbeare Parish Council hopes such fencing is compatible with sheep grazing.

Aylesbeare Parish Council hopes the Planners are satisfied that enough consideration has been given to the SSSI only one field to the east away from the project boundary.

Aylesbeare Parish Council trusts that the Planners will place conditions that, should the PV panels be removed after the 40-year life of the project that the then owners must return the site to agricultural use only.

Aylesbeare Parish Council had hoped that the applicants would give firmer details of the Community Benefit Fund including an approximate amount of funding and specifications of the uses to which it can be put.

Finally, Parish Council is surprised that the RSPB has not been consulted by EDDC on this major project and there are no details of consultation with the gas transmission company as a high-pressure gas main runs directly across the site.

Technical Consultations

Devon County Highway Authority

The Transport Statement takes a detailed review of the three best routes to provide for construction access to the site.

I agree with the general consensus that the Long lane/route A option, would be the best route due to it being the most direct with the most strategic network available from the holding compound, in addition to utilising the widening and improvements that Long lane is currently undergoing.

The traffic management and temporary works to make this route acceptable including a shuttle notification and one way system, seem reasonable and minimise the impact upon the carriageway.

The acceptance in avoiding through-route traffic in the village of Marsh Green has been established and is appreciated.

I recommend the provision of a Construction and Environment management plan (CEMP) to further mitigate construction disruption with elements such as contractor car sharing and wheel washing facilities to avoid debris being brought onto the carriageway.

Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations

- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, MAY WISH TO RECOMMEND CONDITIONS ON ANY GRANT OF PLANNING PERMISSION

Exeter & Devon Airport - Airfield Operations+Safeguarding – 22.08.2022

The updated Glint / Glare study together with the accompanying Glint / Glare addendum have been studied from an aerodrome safeguarding perspective with the following findings.

- o The study shows that for 08/26 arrivals overall there will be no significant impact on either of the assessed areas and therefore acceptable.
- o The study together with a site survey shows that the solar panel area would not be visible to the Air Traffic Control Tower, so no solar reflections are predicted and therefore acceptable.
- o The Addendum relating to circuit traffic operating at Exeter Airport shows that the times of potential solar reflections, which are outside of the airports usual operating hours, which together with the overall conclusions within section 5.3 of the report show no operational issues and therefore acceptable.

Accordingly, based on the findings and evidence within the studies which addresses the previously raised concerns Exeter Airports Safeguarding objection can now be removed.

Exeter & Devon Airport - Airfield Operations+Safeguarding 24.05.2022

I acknowledge receipt of the above planning application for the proposed development at the above location.

This proposal has been examined from an Aerodrome Safeguarding aspect and it does have the potential to conflict with safeguarding criteria.

There are 2 areas of safeguarding concern that have been raised by the Air Traffic Control department at Exeter Airport in relation to the Pager Power Glint Glare study.

1. There is no mention or regard to aircraft in the circuit or joining left base for runway 26. This would need confirming to ensure there was no adverse effects or issues.

2. Concerning reflections visible by the Visual Control (VCR) room section 8.2.1 of the study states,

"The results of the geometric modelling have shown that solar reflections towards the ATC Tower from the proposed solar development are possible. However,

considering a review from a high-level determination of the zone of theoretical visibility (ZTV) from Google Earth, it appears that views of the reflecting solar panel areas are not possible from the ATC Tower.

Figure 18 14 on the following page shows the areas of the proposed solar development from where the solar reflections originate. The yellow areas show the reflecting solar panel areas from the Pager Power results, the orange and yellow areas combined show the reflecting solar panel areas from the Forge results. The green areas show the land which is theoretically visible from the ATC Tower considering a tower height of 10m above ground level. There appears to be minor overlap between the reflecting solar panel areas and zones of theoretical visibility. No visibility of the ATC Tower from the site was subsequently confirmed by the landscape team. If there is no visibility to the reflecting solar panel areas, then no impact is possible.

8.2.1.1 Overall Conclusions for the ATC Tower In accordance with the methodology presented in Section 4 and Appendix D, no impact upon ATC operations is expected based on this desk-based analysis and a site survey conducted by the landscape team."

The study shows that solar reflections towards the VCR are possible but goes on to state that there is no visibility of the VCR from the site. Figure 18 shows that areas of the site are theoretically visible including yellow and orange reflecting solar panel areas. It is further stated that there is no visibility of the VCR confirmed by the landscape team. Further evidence is required by the airport showing the visibility of the site and whether the site is visible or not as there seems to be a discrepancy. Vegetation would not be a suitable screening as it can be very sparse in the winter months or removed completely when required.

The Air Navigation Order 2016 PART 8 states,
"Aerodromes and lighting CHAPTER 2 Lights and lighting
Lights liable to endanger
224. (1) A person must not exhibit in the United Kingdom any light which
(a) By reason of its glare is liable to endanger aircraft taking off from or landing at an Aerodrome; or
(b) By reason of its liability to be mistaken for an aeronautical ground light is liable to Endanger aircraft.

Lights which dazzle or distract
225. A person must not in the United Kingdom direct or shine any light at any aircraft in flight so as to dazzle or distract the pilot of the aircraft.

Accordingly, Exeter Airport object to the proposal on the grounds of aviation safety, until further evidence is supplied, and suitable mitigation measures if required are proposed and approved.

National Highways
Council's Reference: 22/0990/MFUL

National Highways Ref: 95029

Referring to the notification of a planning application referenced above, for the construction and operation of a ground mounted solar farm and associated landscaping and ecological habitat, with permission being required for 40 years, comprising solar arrays, equipment housing, sub-station, fencing, ancillary equipment and associated development; temporary change of use of land for construction compound (off site), at land at Marsh Green Farm, Marsh Green, EX5 2EU, notice is hereby given that National Highways' formal recommendation is that we:

- a) offer no objection (see reasons at Annex A);
- b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A - National Highways recommended Planning Conditions & reasons);
- c) recommend that planning permission not be granted for a specified period (see reasons at Annex A);
- d) recommend that the application be refused (see reasons at Annex A)

Highways Act 1980 Section 175B is/is not relevant to this application.¹

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via transportplanning@dft.gov.uk and may not determine the application until the consultation process is complete.

Annex A National Highways recommended Planning Conditions

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

Highways England was renamed National Highways in August 2021. Prior to April 2015 the organisation was known as the Highways Agency. National Highways is a government owned company responsible for operating, maintaining and improving the SRN.

Statement of Reasons

The application seeks permission for the construction and operation of a ground mounted solar farm and associated landscaping and ecological habitat, with permission being required for 40 years, comprising solar arrays, equipment housing, sub-station, fencing, ancillary equipment and associated development; temporary change of use of land for construction compound (off site), at land at Marsh Green Farm, Marsh Green, Devon. The 75ha site is located immediately south of the A30 trunk road boundary and approximately 3.5km east of M5 Junction 29. The temporary construction traffic reception Compound covering 1.26ha is located

immediately south of the A30/B3184 Exeter Airport junction and 1.6km east of M5 Junction 29.

Impact on the Strategic Road Network

Traffic Impact

Once constructed the level of traffic associated with the operation and maintenance of the site is considered unlikely to result in a material impact on the safe operation of the A30 trunk road.

It is envisaged that the reception compound will generate up to 12 HGVs deliveries per day (24 two-way trips) over a temporary 10-month period only. All development traffic would then be escorted in convoys of 4 vehicles to the construction compound.

The Construction Management Plan states that the all convoys would take place out of the network peak periods to minimise any distribution on the local highway network. National Highways requests that the measures proposed to restrict development traffic during the network peak hours (0800-0900 and 1700-1800) are formalised by planning condition or other appropriate mechanism to be determined by the Local Planning Authority.

On the basis that HGV convoys to the construction compound will be prohibited during the AM and PM network peak hours and given the temporary duration of the construction traffic impact we are satisfied the development is unlikely to result in an unacceptable impact on the safe operation of the A30.

Drainage

The drainage documents make reference to a National Highways drainage culvert which heads through the upper part of the development north westerly under the A30.

Section 6.1.3 of the FRA states the requirement to keep volume and flow rates of runoff matching existing or better. 5.2.2 and 6.4 of the FRA provides appropriate measures to contain the surface water risk from the development and Construction phase measures and maintenance commitments within the FRA are also considered acceptable.

As set out in Paragraph 50 of DfT Circular 02/2013 "The Strategic Road Network and the Delivery of Sustainable Development", National Highways will not accept any water run off arising from any change of use into our highway drainage systems, or any new connections into those systems from third party development drainage systems. We therefore require the submission of a detailed drainage strategy to ensure that the filter drain layouts remain clear of our highway drainage asset and to ensure the construction of a proposed 'scrape' to increase floodplain capacity in the proximity of the A30 culvert will not result in an adverse impact on our drainage assets. The drainage strategy must include the drainage plan design and the overland flow routing to ensure surface water will be managed and not result in any

adverse impact on our assets. It must also confirm details of all proposed discharge locations.

Landscaping and Boundary Treatment

The Planning Statement states in para 7.9.7 that "while solar reflections are geometrically possible towards the A30, the solar reflections will be screened by existing vegetation, which will be subsequently supplemented with additional proposed vegetation as part of the proposed development." However, the Landscape Strategy Plan shows no additional screening proposed alongside the site boundary adjacent to our estate. It is therefore unclear how glare from the site, and particularly DC02a, will be screened from the A30 eastbound carriageway. We therefore require the submission of a boundary treatment plan which details in full the proposed measures to ensure the development will be adequately screened from the A30 trunk road.

It should be emphasised that National Highways soft estate must not be relied upon to contribute any mitigation to the development as the management of our estate may from time to time affect any real or perceived benefits. Our soft estate management includes cyclical maintenance and periodic renewal, either of which could involve significant reduction in any available screening benefit until new planting is well established. We are also needing to consider removal of all dead, dying and diseased trees affected by ash dieback (Chalara), where these are on National Highways estate and where they present a safety risk to our assets, neighbours and all road users.

As such the developer must ensure that all required and desired mitigation is provided within the development or by a site boundary feature proposed as part of the development. We would encourage the use of native and naturalised species planting to provide or support visual screening mitigation, with an evergreen component to sustain this all year round. Any fences, screening and other structures must be erected on the developer's land, and far enough within the developer's land to enable maintenance to take place without encroachment onto highway land, as set out in Annex A, paragraph A1, of DfT Circular 02/2013 "The Strategic Road Network and the Delivery of Sustainable Development".

We also require a detailed Landscape Plan and associated Planting Schedule for our review to ensure there will be no adverse impact on our soft estate.

We should advise the developer that the following species must not be planted within 10m of our estate:

1. Blackthorn (*Prunus spinosa*)
2. Goat willow (*Salix caprea*)
3. Crack willow (*Salix fragilis*)
4. Dogwood (*Cornus sanguinea*)
5. Italian alder (*Alnus cordata*)
6. Bird cherry (*Prunus avium*)
7. Quaking Aspen (*Populus tremulans*)
8. Wild Privet (*Ligustrum vulgare*)

In addition, the following trees must not be planted in a position where at maturity they would be within falling distance of the carriageway or any significant National Highways asset:

9. Silver Birch (*Betula pendula*)
10. Austrian Pine (*Pinus nigra*)
11. Poplar (*Populus alba*, *Populus hybrid*, *Populus lombardii*)
12. English Oak (*Quercus robur*)

Recommendation

National Highways has no objection in principle to application 22/0990/MFUL subject to planning conditions being attached to any consent the planning authority is minded to grant to the effect that:

1. Prior to the commencement of the development hereby permitted, a Detailed Drainage Strategy shall be submitted to and approved in writing by the local planning authority (in consultation with National Highways). This must include full details relating to the maintenance of the assets that will control the flows of water on and around the site. Reason: in the interest of the safe and efficient operation of the strategic road network, and to protect the integrity of the National Highways drainage asset.
2. Prior to the commencement of the development hereby permitted, a Boundary Treatment Plan including details for the site boundary with the A30 trunk road shall be submitted to and agreed in writing by the Local Planning Authority (in consultation with National Highways). Reason: in the interest of the safe and efficient operation of the strategic road network and to protect the National Highways soft estate.
3. Prior to the commencement of the development hereby permitted, a revised Landscape Plan and associated Planting Schedule be submitted to and agreed in writing by the Local Planning Authority (in consultation with National Highways). Reason: in the interest of the safe and efficient operation of the strategic road network and to protect the National Highways soft estate.

EDDC Landscape Officer 14/09/2022

1 INTRODUCTION

This report is an addendum to the previous EDDC landscape response to the full application for the above site following review of further/ amended landscape related information submitted by the applicant.

2 REVIEW OF ADDITIONAL / AMENDED INFORMATION

2.1 Removal of panels

- a) The reduction of panels in fields D2b and D3 as recommended in landscape response dated 15.7.22 is noted.
- b) Reviewing the amended photomontage for viewpoint 09, mitigation tree planting shown to the southern boundary of field D2 is not included on the Landscape Strategy

Plan (LSP). The LSP should be amended to include for this. Tree planting should extend adjacent to the hedge annotated on the plan as not being in control of the applicant.

c) In respect of field D7 the reduction in panels is not considered sufficient and all arrays in this parcel should be omitted as previously recommended.

2 Field access gates

a) The applicants response to previous concerns raised regarding security gates by replacing the previously proposed 2m high solid gates with 2m high weldmesh gates is not acceptable in terms of landscape and visual impact and does not reflect existing constructed or consented schemes where security gates are set back from the field boundary in line with the security fence, as illustrated in the photograph below taken at the site to the north of Cranbrook.

b) Although the proposed development plan and construction plan keys include symbols for field and security gates, it is very unclear from the actual plans where these are proposed. For the avoidance of doubt the plans should be amended to clearly show gate locations and distinguish between the two types proposed.

c) Additionally the applicant should confirm the following field access arrangements and amend plans accordingly:

DC01 – Applicant to confirm access to be as per fig. 2 of landscape response dated 15.7.22

D2 and D3 – Applicant to confirm from existing entrance to D2. Existing field gate to be retained.

D4 – Applicant to confirm access to be as per fig. 3 of landscape response dated 15.7.22

D5, D6N and D6S – Applicant to confirm to be taken from D4.

D6N – Access to be via D7. Existing field gate to D7 to be retained.

D8 and D9 – Access via existing access off Quarter Mile Lane. Existing field gate retained.

D10-13 – Access off existing green lane via ecological enhancement area. Access to ecological enhancement area off green lane to retain existing field gate.

Details of any proposed gateway amendments should be submitted for approval prior to determination of the application.

3 Additional comments

It is noted that construction details of proposed access tracks have not been submitted. These should be provided for both construction and operational phase prior to determination or by condition prior to commencement of site works.

EDDC Landscape Officer 15/07/2022

1 INTRODUCTION

This report forms the EDDC's landscape response to the full application for the above site.

The report provides a review of landscape related information submitted with the application in relation to adopted policy, relevant guidance, current best practice and existing site context and should be read in conjunction with the submitted information.

The application site extends over an area of up to 2.4x 1.4km which includes a total fenced developed area of some 55Ha and a further 19 Ha to provide ecology enhancement outside of the fenced enclosures.

The proposals comprise arrays of ground mounted solar panels and associated infrastructure including inverters, substations, access roads, fencing and CCTV as described clearly in the DAS p.16. These are arranged in three distinct groupings:

- The main development site has a predominantly southeasterly aspect and comprises 16 fields of PV arrays extending from the A30 on its northwest boundary southwards to Westcott Lane and eastwards towards the edge of Marsh Green.
- The eastern area lies to the east of Marsh Green and comprises four fields of PV arrays (D10-D13) and additional ecology area (D14).
- The southern area comprises four fields of PV arrays (D2-D6) on a ridgeline and south facing upper slope.

Principal access points are taken from Rockbeare Lane to the north of the site and Withybed Lane towards the southern end. The eastern parcel is accessed via the entrance to an old drove track off Quarter Mile Lane.

2 REVIEW OF SUBMITTED INFORMATION

2.1 Landscape and visual impact assessment (LVIA)

Methodology

The LVIA methodology as described in the appendices is in accordance with industry standard guidance. The methodology, and scope of the LVIA are clear and defined.

The study area, extends to 2.5km which is considered appropriate for the type of development proposed.

There are some discrepancies in sensitivity given for particular receptors in section 3 of the LVIA compared with those given for the same receptors in section 6-Visual impact assessment, notably in respect of Westcott Lane and Aylesbury footpath 7.

Assessment of significance of effect for visual receptors in section 6, table 3, assesses many as **minimal adverse** although a minimal adverse category is not included in the Significance criteria of visual impacts, table F of the methodology. For the purpose of this review such instances shall be taken to be equivalent to **slight adverse**, which is defined in table F.

Landscape Baseline

Published landscape character assessments - The LVIA considers National Character Area assessment and District level Landscape Character Type assessments, but County level Landscape Character Areas (Clyst Lowland Farmlands and Pebble Bed Heaths and Farmlands) are not considered.

The Devon Historic Landscape Characterisation should also have been considered. This indicates that the northern and eastern site areas comprise medieval enclosures based on strip fields with 17% and 24% boundary loss respectively. The southern field parcels are described as post-medieval enclosure based on strip fields with 47% boundary loss.

Landscape character - The LVIA assessments of sensitivity of the host landscape character types (LCT3B and 3E) are questionable. In both instances the LVIA finds them to have **low to medium** value. The landscape comprises rolling farmland in generally good condition with well-maintained hedges and large trees both in hedge lines and within open fields. Published LCA and LCT descriptions recognise its attractive qualities away from large built-up areas. The landscape has a strong structure of hedgerows, many of medieval origin, and mature trees, particularly oaks. There are a few pylons but their visual impact is limited due to landform and the frequency of large trees. The A30 is generally not visible but audible. Accounting for the above, in accordance with the criteria in Table C, LVIA appendix B, landscape sensitivity for both LCT 3B and 3E should be considered to be **medium** – ‘*Consisting primarily of valued landscape components combined in an aesthetically pleasing composition with low levels of disruptive visual detractors exhibiting a distinguishable structure. Some landscape elements remain intact and in good repair. Limited potential for substitution.*’

Individual landscape receptors – The assessment of individual receptors (LVIA paras. 3.8-3.13) regarding the AONB, open access land and listed buildings as being unaffected by the proposed development is accepted.

In consideration of site landscape character, Use/ Landcover is assessed in the LVIA as being of **low-medium** Sensitivity. This should be **medium** sensitivity as land use is currently 100% farmland. The A30 has extremely limited visual impact and the few pylons present are not dominant being partially screened by landform and large tree cover. Proposed development would introduce extensive modern infrastructure into the site at odds with the prevailing rural character and which could mask the existing pattern of field hedgerows.

For Landform the LVIA assesses sensitivity as **low**. As the landform comprises both hidden, lower, lying areas and some more visible slopes sensitivity to change should be considered to be **medium**.

The LVIA assesses susceptibility of trees and hedgerow as low. As there is potential for development to adversely impact these important landscape elements sensitivity should be considered at least as **medium**.

Visual baseline

Viewpoints were agreed with EDDC at pre-app stage. Presentation of baseline photographs complies with relevant guidance. Photographs are generally of reasonable quality although photos 3, 4 and 11 a-c are taken in hazy/ misty conditions resulting in some loss of detail. Photography is taken in winter conditions when trees and hedgerows are bare, to represent worst case scenario and in most cases visual

effects can be expected to reduce in summer. Baseline photographs include clear indications of the extent of proposed development in each view.

The LVIA's findings that the effects of the development do not extend beyond the A30 is accepted. There is some intervisibility with Ashclyst Forest and Paradise Copse to the north but these are well beyond the study area boundaries and, particularly as the pv arrays will be facing away from them, it is doubtful whether any effect would be discernible from these locations.

It is accepted that there is no intervisibility between the site and publically accessible areas within the AONB to the east and southeast.

In addition to the submitted ZTV, a Zone of Visual Influence (ZVI) plan is also submitted to represent actual visible extent of the development. This does not account for views from the minor lane to the south (Marwood Road), from which fields D2 and D3 in the southern development parcel are visible in glimpse views over a length of some 200m to the west of Rill Corner. Field D5 has some visibility from Westcott Lane and in a glimpse gateway view from Quarter Mile Lane. Additionally, fields D4 and D6, while not visible in the immediate locality except from the access gates into them off Withybed Lane, can be seen from a few locations on higher ground towards West Hill to the northeast, including viewpoints 3 and 4. Notwithstanding the above, it is accepted that visual effects are largely limited to the site and local surroundings extending southwards to Marwood Road, eastwards to Quarter Mile Lane, westwards to Aylesbeare footpath 7, Rag Lane and the A30 and northwards to Rockbeare Lane. Apart from viewpoint 11, which affords partial glimpse view of fields D11 and D12, the eastern field parcels are effectively screened from publically accessible locations. As noted in the LVIA the settlement of Marsh Green itself is also unaffected.

The LVIA identification of visual receptors is sufficiently comprehensive, but its assessment of their sensitivity is too low in the following instances:

- Minor lanes - Only motorists are considered. The assessment of their sensitivity as **low-medium** is accepted but these lanes are frequently used by pedestrians and cyclists for whom sensitivity should be considered **medium**.
- Westcott Lane is something of an anomaly as it is a county road currently closed due to flooding issues. The LVIA assesses receptor sensitivity as **low-medium** on the basis of use by 4WD vehicles. However, as flagged in pre-app advice, the lane is most used as a recreational route by local residents whose sensitivity should be considered **medium**.
- Sensitivity for residents of directly affected dwellings should be considered **medium-high**.

Cumulative effects

In consideration of visual amenity impacts for viewpoint 11 the LVIA should have noted that, albeit at a distance, the existing Strete solar installation would be seen adjacent to the site and will slightly add to the perceived extent of solar arrays. For viewpoint 1 there is a sequential effect with the Strete solar site visible from the A30 over-bridge to the northwest and field DC01 of the proposed development visible to the southeast.

Overall, however, due to the lack of visibility of the existing and consented sites at Great Houndsbeare Farm and Rockbeare Hill, and no intervisibility between them and the proposed development site, the findings of the LVIA that cumulative effects of the development would be **low**, is accepted.

Assessment of proposed development

Design - Design proposals and landscape strategy as set out in the LVIA are generally acceptable. (See detail comments at section 2.2 below.)

Primary mitigation measures listed in the LVIA should include the specification of panels that minimise reflectivity including surrounding framing elements.

Potential effects are generally comprehensively listed but Effects at completion and during operation should include also the closure and restriction of views due to changes in hedgerow management and erection of solid gates at a number of field entrances. The predicted loss of 43m of hedgerow identified in the Ecological assessment should also have been noted in the LVIA.

Landscape Impact Assessment

Section 5 of the LVIA considers Landscape impact. The results are presented in table 1: Summary of predicted effects. There is no explanation of the headings in the table. It appears that the 3rd column, Magnitude of change, is based on assessment of effects at completion and that the 4th column, headed Mitigation, is shorthand for Magnitude of effect after proposed mitigation has been implemented/ established. The explanatory notes should have indicated the expected time for mitigation measures to take full effect.

The LVIA assessment of magnitude of change on land-use/ landcover within the site as **high** initially, reducing to **medium** as mitigation develops with **moderate adverse** significance of effect is accepted.

In respect of landform **moderate adverse** rather than the **slight adverse** effects identified in the LVIA, are likely to occur on the steeper parts of the site (fields DC15 and D2 and D3) due to their greater prominence.

The LVIA assesses significance of effect of the development on the host landscape character types (LCT 3B and 3D) as **slight adverse**, based on a **medium** magnitude of change at completion, reducing to **low adverse** after mitigation establishes. This seems an underestimate and magnitude of change within the site and immediate surrounds is more likely to be **high** initially reducing to **medium** after mitigation establishes, resulting in residual **moderate adverse** significance of effect, defined in the LVIA methodology table D as '*Noticeable direct change to landscape feature/character over localised area.*'

Visual impact assessment

Accompanying photomontages are clear and give a fair representation of the expected visual impact of the proposals for the selected viewpoints at completion and following establishment of mitigation measures.

Para. 6.2 of the LVIA should have noted that there are views of field parcels D2 and D3 from Aylesbeare footpath 7 and Marwood Road and for a short distance from the

minor lane running north from Marwood Road to Withy Bed Lane. Reference should have been made to impact on residents particularly at Westcott and also on Marwood Road.

The LVIA assessment of residual significance of effect for VP1, 2 and 4 as **slight adverse** is appropriate although for VP 2 magnitude of effect at completion is more likely to be **medium** initially, rather than **low-medium** as stated in the LVIA, due to the proximity of development to the viewer.

For VP3 the LVIA identifies residual significance of effect for road users as **slight adverse**. For residents of Houndsbeare Farmhouse this is likely to be **slight-moderate adverse** due to higher sensitivity of residential receptors.

For VP5, magnitude of change at completion should be considered to be **high** rather than **low-medium** as stated in the LVIA. This is due to the prominence and proximity of development to the viewer and the loss of an attractive view beyond due to the siting of the panels and new high, solid access gate which is clearly illustrated in the photomontages. This is likely to reduce to **medium** after mitigation with a **medium adverse** residual effect.

VPs 6-8 are representative views along Westcott Lane. For VP6 magnitude of change should be considered **low-medium adverse** on completion reducing to **low adverse** after establishment of mitigation, due to loss of views and sense of openness. Similarly for VP8 the loss of attractive views and sense of openness post mitigation magnitude of effect should be **medium** resulting in **moderate adverse** residual effect.

For Westcott Lane, while in summer development would be well screened along much of the lane, pv arrays and fencing will remain visible in some views especially in the initial few years following completion. There will be an overall loss of some currently attractive views out and where medium/ long distance views remain, distinctive field patterns in the foreground are likely to be masked due to the uniform cover of the pv arrays or as a result of the increase in height of field boundary hedgerows. In summer conditions users of the lane are likely to be aware of the solar farm along most of the length of Westcott Lane albeit in glimpsed, filtered and partial views. These will inevitably be more apparent in winter.

Visual impact of proposals on residents at Westcott is not assessed in the LVIA. Residents of only two or perhaps three properties are likely to be directly affected. Effects are likely to be similar to those identified for VP 8.

For VP 9 the LVIA assessment of residual significance of effect as **moderate adverse** is considered appropriate.

For VP 10 the magnitude of change post-mitigation should be considered **low**, rather than **negligible** as stated in the LVIA, as an attractive extensive view will be lost due to the proposed infilling of the gateway.

LVIA assessments of visual impact for the A30 and Rag Lane as **slight adverse** are accepted.

The LVIA does not consider visual impact on users of Marwood Road. Receptor sensitivity should be considered **medium** with magnitude of change **medium-high** initially, reducing to **medium** after establishment of mitigation with resultant **moderate adverse** residual effect.

Walkers, cyclists and motorists using the local lanes are likely to experience sequential effects as they will perceive the extent of development behind higher hedges and solid field gates or occasional views to the development site. In Devon, due to high hedgebanks, field gates provide welcome stopping points for walkers to enjoy wider views such as those presently obtainable at VP11 and VP 10 on Withybed Lane and several of the other field gateways that are proposed to be replaced with high solid gates or otherwise blocked up. The cumulative loss or alteration of such views due to development has not been considered in the LVIA but is likely to have **low-moderate adverse** residual effect.

2.2 Review of development plan

For field D7 where a moderate adverse visual effect is considered likely (contrary to LVIA assessment) it is recommended that this parcel is removed entirely from the proposed development as its limited extent is disproportionate to the likely level of visual impact.

For field D2b removal of the relatively narrow strip of panels in the southwest field corner (see fig. 1 below) would help to reduce visual impact form Aylesbeare footpath 7 particularly, as shown in the photomontages the potential for mitigation from perimeter screening is limited.

Figure 1 - Omission of arrays in field D2b to reduce visual impact from footpath 7

2.3 Review of landscape proposals plan

Additional tree planting is required to the southern boundary of fields D2 and D3 to help screen the pv arrays on this prominent part of the site.

Proposed management of hedges to either side of Westcott Lane indicates their general management at a height of 3-4m. This should be changes to leave sections of hedge low where impacts of pv arrays on views beyond are slight or negligible in order to retain views out.

2.4 Field gateway treatments

High solid gates as indicated on drawing no. LOA1001-214 are proposed for security reasons. This treatment is not typical of other pv sites in the district where gates with wire mesh are used instead. A revised detail for at least wire mesh in the upper panels would be less industrial looking, less noticeable and allow some views over.

For the gate at the northern site entrance in to field D001 the existing roadside gate could be retained and a new security gate installed out of sight further along the proposed access track and a short length of new hedge provided in front of the security fence to screen views of the panels from the road (see figure 2 below). Similarly security gates to fields D4 could also be set back from the roadside gateway so as to be less intrusive (figure 3).

High steel gates proposed to field D6S from Withybed Lane and field D5 from Westcott Lane seem unnecessary as access to these fields could be taken from D4. Therefore

it would be better for the existing gateways in these instances to be blocked up by extending hedgerow across them.

For field D3A where it is proposed to block up the existing gateway this would lead to the loss of a fine view. It would be preferable to omit some of the pv arrays in the northeast corner and set back the security fence a bit from the field entrance to enable retention of the view.

3 CONCLUSION AND RECOMMENDATIONS

3.1 Acceptability of proposals

Despite the scale of the proposed development and the proximity of two existing solar sites and a further consented scheme, due to the generally rolling landform with numerous trees and hedgerows, the cumulative effects of the development are considered to be very limited.

Nevertheless the proposed development will have notably greater landscape and visual impact than the existing and consented sites at Strete, Houndsbear and Rockbeare Hill due to the larger scale of the proposed development, the inclusion of pv arrays on some higher slopes, the presence of a greater number of valued landscape features within the site and a larger number of visual receptors.

Identified effects will be noticeable within a localised area of the site including some moderate adverse landscape effects on the site and its immediate surroundings. Moderate adverse visual effects are likely to occur particularly for users of Westcott Lane and Aylesbeare footpath 7 and some residents at Westcott. These will be manifest as changes in landscape character through the introduction of extensive power infrastructure alien to its strongly rural setting and the closing off of several attractive views into the site and across the wider landscape. The omission of field D7 and partial removal of arrays in fields D2, D3 together with reconsideration of security gate design and location as noted above would substantially reduce such perceived effects.

The eastern development area is low set and benefits from existing vegetation screening and consequently the only publically accessible viewpoint identified is from one field gateway (VP11) where there are partial views of field parcels D11 and D12.

Overall subject to minor amendments as noted the scheme could be considered acceptable in terms of landscape and visual impact.

3.2 Conditions

Should the application be approved the following conditions should be imposed:

- 1) No development work shall commence on site until the following information has been submitted to and approved by the LPA:
 - a) A full set of soft landscape details including:
 - i) Planting plan(s) showing locations, species and number of new trees and native hedge/ shrub planting and extent of new grass areas, together with existing trees, hedgerow and habitat to be retained/ removed.

- ii) Plant schedule indicating the species, form, size, numbers and density of proposed planting.
 - iii) Soft landscape specification covering clearance, soil preparation planting and sowing; mulching and means of plant support and protection during establishment period and 5 year maintenance schedule.
 - iv) Tree pit and tree staking/ guying details
 - v) Method statement for creation and maintenance of species rich grassland habitats
- b) Details of proposed colour finishes to housings for inverters, storage units and substations.

- c) Details of proposed under and over ground cable routes together with method statements for taking underground cables through any hedgebanks.
- d) Details of the locations of security cameras.
- e) Details of finishes of framing elements of proposed pv panels.
- f) Notwithstanding the landscape details submitted, no site works shall begin until a site specific Landscape and Ecology Management and Maintenance Plan has been submitted to and approved in writing with the Local Planning Authority. This shall set out responsibilities for maintenance within the site and cover the construction establishment, management and ongoing maintenance of landscape elements and bio-diversity measures. The Plan shall set out the landscape and ecological aims and objectives for the site along with the specific management objectives for each landscape/ ecological component, and the associated maintenance works required on an Annual and Occasional basis. Details of inspection, monitoring and reporting arrangements shall also be provided.

The plan shall include an as existing condition survey for each length of hedge, identifying its position on the Hedgelink - hedge management cycle, any initial works required to bring to good condition, such as gapping up, removal of invasive species etc. and requirements for cutting including intended height range and cutting height and frequency and expected number of trees to be let up within each identified section.

The Plan shall cover a period of not less than 25 years following the substantial completion of the development and shall be reviewed every 5 years and updated to reflect changes in site conditions and management prescriptions in order to meet the stated aims and objectives.

Management, maintenance inspection and monitoring shall be carried out in accordance with the approved plan.

- g) A detailed decommissioning plan covering the removal of all temporary infrastructure from the site and identifying any areas of new habitat creation and any tracks and hardstandings which are to be retained. The plan should show how the site will be returned to agricultural use and shall include a demolition and restoration programme.

- 2) The works and subsequent management shall be carried out in accordance with the approved details. Any new planting or grass areas which fail to make satisfactory growth or dies within five years following completion of the development shall be replaced with plants of similar size and species to the satisfaction of the LPA.
(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Strategy 5 (Environment), Policy D1 (Design and Local Distinctiveness), Policy D2 (Landscape Requirements) of the East Devon Local Plan.

Conservation – 31.08.2022

Case Officer to assess against the previous comments from Conservation and Historic England to ensure that all issues have been resolved.

Conservation – 05.07.2022

The following comments concur with those made from Historic England and are in addition to them. They are as follows;

Overall I concur with the comments submitted by Historic England.

I would disagree with their method of assessment and limiting it to an area of 2km radius. It is made clear within the NPPF that the extent of the setting of a designated asset "is not fixed and may change as the asset and its surroundings evolve". (NPPF 21, Annexe 2 Glossary). Although in the heritage assessment, in para 2.2 (method of assessment), makes reference to the "Zone of Theoretical Visibility - (aka ZTV, ref: Historic England GPA Note3, s.21), it is considered that this lacks sufficient evidence and justification.

The highly significant historic, complex of Rockbeare is disregarded due to the distance, the A30 and mature planting. This assessment fails to fully assess that the A30 is at a much lower level to the landscape either side of it and that the "ZTV" is disgradred due to vegetation. There is no assessment of views or settings in relation to impact of the proposed minimal height of the solar panels (apprx height minimum of 3.14m & 2.9m, along with the 2m high perimeter secutiry fencing either.

There are distinct viewpoints. For example, from the Marsh Green bridge that crosses over the A30, which will also be used for the intial contruction traffic.

There has been satisfactiry evidence for the archaealogical potential and its impact, however, it is strongly recommended that further investigation includes the potenial for any buried unexploded ordnance. There are large areas already mapped just to the East of the reception site.

The design and access statement makes referece to the decommissioning of the site, however it does not include how or to what extent all of the proposed materiels to be added to the sites, can be recycled or re-used.

In conclusion, there remains insufficient evidence to support the justification of the proposal, against the negative impact on the desgnated heriate assets. This includes a cumulative impact on the setting with resoect to existing solar arrays and associated built form in this area. There is less than substantial harm to the setting of the designated heritage assets, in particular, all those at Rockbeare.

Addendum; the grade II listed buildings and their curtilage listed buildings, in the village of Marsh Green that are immediately to the East of the site are significant by virtue of their aesthetic, communal and historic interest. The aesthetic interest is derived from the vernacular architecture of these modest rural buildings built from local materials such as; cob, stone, thatch and timber. They create the form of these distinctive buildings and local distinctiveness, which in turn forms the sense of place that is experienced.

The historic interest is in part, by the former uses of the buildings. The Knoll a former farmhouse, Yeomans Cottage which was the former post office and Rose Cottage are now all dwellings in the historic settlement of Marsh Green. The Knoll Farmhouse, derives much of its significance from its rural agricultural setting. They are illustrative of aspects of past lives, social positions and industry as evidenced by

the former uses of the building, but in particular, farming and thatching. The master craftsmanship and supply of thatching continues for future generations and holds archaeological interest in its own right.

Overall the impact on the setting of the significance of these listed buildings of Marsh Green, is considered to be less than substantial harm due to the loss of views and the adverse harm that the proposed changes to the surrounding landscape will introduce to the setting of these designated heritage assets.

Historic England – 02.09.2022

Thank you for your letter of 18 August 2022 regarding further information on the above application for planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the application.

Historic England Advice

The most recent information included amendments included the Historic Environment Assessment Addendum Ford Oaks Solar and Green Infrastructure Facility, Marsh Green, Devon (Heritage Archaeology). The document was produced in response to advice provided regarding Historic England and EDDC Conservation Officer. This letter should be read in conjunction with our previous advice (dated 7 July 2022).

We are pleased to see a more robust assessment being undertaken in respect of the historic complex at Rockbeare (Mix of grade II* and II listed buildings as well as as the grade II Registered Park and Garden (RPG)). The documents maintains that the impact of the works will have no impact on the historic core of the site, which forms the focus of Historic England's interest. This is due to the topography and the tree cover. There is the potential for some intervisibility from the northern extent of the RPG.

In the consideration of the application, you, the local Planning Authority, should ensure that you are confident of the proposed impact on the historic environment, and be guided in your advice by your conservation specialist.

Recommendation

In light of the latest information, your authority should ensure you are satisfied of the potential impacts on Rockbeare's diverse historic environment prior to making your determination, and be guided by the advice of your conservation, archaeological and placemaking specialists.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

Historic England – 07.06.2022

LAND AT MARSH GREEN FARM, MARSH GREEN, EX5 2EU

Application No. 22/0990/MFUL

Thank you for your letter of 19 May 2022 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist your authority in determining the application.

Historic England Advice

The proposed application site is in close proximity to the historic complex of Rockbeare. The core of the estate contains both a grade I listed house of the same name and the associated grade II* listed stable block with the surrounding landscape containing a number of other grade II* and grade II listed buildings. The assets are set within a designed parkland setting which has been designated as a grade II registered park and garden. The south-eastern boundary of the designated landscape almost abuts the application site, only being separated by the A30.

The application is for a large ground mounted solar farm, covering a substantial area. As part of the scoping exercise, Historic England raised the need for the impact of the development on the historic complex of Rockbeare to be robustly assessed as part of the supporting documentation.

The Landscape Visual Impact Assessment (Steel Landscape Design, May 2022) and the Heritage Impact Assessment report (Heritage Archaeology, April 2022) have drawn the conclusion that the proposed development will not impact on the significance the Rockbeare estate derives from its setting. This is due to the intervening vegetation and the cutting of the A30.

No supporting documentation in terms of photographs, montages or wire frames have been provided to provide absolute confidence that the development would avoid any impact on the setting of the Rockbeare and its associated heritage assets. The over reliance on tree cover to provide screening is a concern as it has a finite life span and also suffers from seasonal variations. A solution that avoids or minimises the harm rather than relying on mitigation, should be encouraged.

Therefore, in the consideration of the application, you, the local Planning Authority, should ensure that you have sufficient information to be confident of the proposed impact and/or be guided by the advice of your conservation specialist.

Recommendation

Historic England has concerns regarding the application on heritage grounds.

These concerns relate to the potential impact of the proposed development on the multi and highly designated Rockbeare complex.

We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs Para 194 and 195 of the NPPF. You should also seek the views of your conservation specialist.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

Devon County Archaeologist 18.08.2022

I refer to the above application and your recent re-consultation regarding amended information submitted. Previous archaeological investigations have demonstrated that the archaeological potential of the proposed solar farm site is low and its construction will not impact upon any significant heritage assets with archaeological interest.

The Historic Environment Team has no comments to make on this planning application.

Devon County Archaeologist -07.06.2022

Application No. 22/0990/MFUL

Land At Marsh Green Farm, Marsh Green, EX5 2EU - Construction and operation of a ground mounted solar farm and associated landscaping and ecological habitat, with permission being required for 40 years, comprising solar arrays, equipment housing, sub-station, fencing, ancillary equipment and associated development; temporary change of use of land for construction compound (off site): Historic Environment

My ref: ARCH/DM/ED/37714a

I refer to the above application and your recent consultation. A programme of archaeological work has just been completed within this application area. The Historic Environment Team is awaiting the receipt of the report setting out the results of the fieldwork.

As such, I would advise that this application is not determined until this office has received a copy of the report setting out the results of the archaeological investigations and is able to provide an informed response to the Planning Authority.

Natural England – 12.09.2022

Thank you for your consultation and for agreeing to our requested extension of time.

Natural England has previously commented on this proposal and made comments to your authority in our letter dated 15 June 2022, Reference number 394472.

We have reviewed any new/amended documents available and maintain the advice provided in our previous response where we made no objection to the original proposal, subject to mitigation. The proposed amendments to the original

application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered.

Natural England – 15.06.2022

Thank you for your consultation email dated and received on 19 May 2022 relating to the above proposal. Based on the information provided we have the following comments

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

The following measures should be secured through appropriate conditions or obligations:

- A Construction Management Plan (CEMP) to safeguard soil resources, detail how hedgerows and trees will be protected and to ensure no impacts on the quality of water courses or bodies during construction.
- A Landscape and Ecology Management Plan (LEMP) including management of biodiversity habitats for a minimum of 40 years.
- To require the site to be decommissioned and restored to agriculture when planning permission expires.

Natural England's detailed advice on this and other natural environment issues is set out below.

Designated sites

The proposed main site is located approximately 1.9km to the north west of the East Devon Pebblebed Heaths Special Area of Conservation (SAC), and the East Devon Pebblebed Heaths Site of Special Scientific Interest (SSSI). Natural England have reviewed the ecological evidence provided and have not identified a pathway by which impacts from the development would affect the interest features of the aforementioned sites. We advise that impacts on any national and international protected sites can be screened out from Habitats Regulations Assessment.

Protected Landscapes

The proposed development is for a site near to the **Blackdown Hills Area of Outstanding Natural Beauty (AONB)** and the **East Devon AONB**, both nationally designated landscapes, and has triggered Natural England's Impact Risk Zones for solar developments greater than 10ha.

Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Your decision should be guided by paragraphs 176 and 177 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 177 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape. Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

We also advise that you consult the Blackdown Hills and East Devon AONB Partnerships. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of their AONB statutory management plans, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

You may also find useful the Devon Landscape Policy Group Advice Note No. 2: 'Accommodating Wind and Solar PV Developments in Devon's Landscape' particularly with reference to cumulative impacts and siting and design.

Biodiversity net gain

Development provides opportunities to secure a net gain for nature as outlined in paragraphs 174, 179 and 180 of the NPPF, the Defra 25 year Environment Plan and the Environment Bill.

We advise you first to follow the mitigation hierarchy as set out in paragraph 180 of the NPPF and consider what existing environmental features on and around a site can be retained or enhanced before considering what new features could be incorporated into a development proposal.

An evidence-based approach to biodiversity net gain can help LPAs demonstrate compliance with their duty to have regard for biodiversity in the exercise of their functions² (under Section 40 NERC Act, 2006). Biodiversity metrics are available to assist developers and local authorities in quantifying and securing net gain. Local Authorities can set their own net gain thresholds, but the Environment Act sets a minimum 10% threshold.

When delivering net gain, opportunities should be sought to link delivery to relevant plans or strategies e.g. Local Nature Recovery Strategies where they are being developed, Green Infrastructure Strategies or biodiversity action plans.

Natural England's Technical Information Note Solar parks: maximising environmental benefits (TIN101)³ includes advice on requirements for safeguarding the natural environment. You may also wish to note the industry guidance 'Solar farms and biodiversity opportunities'⁴

There may also be the potential for the development to have a wider positive impact by financially contributing to local environmental / social initiatives in the Parishes affected to help connect people and wildlife and we note that a community fund is proposed.

Soils and Agricultural Land Quality

Under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) Natural England is a statutory consultee on development that would lead to the loss of over 20ha of 'best and most versatile' (BMV) agricultural land (land graded as 1, 2 and 3a in the Agricultural Land Classification (ALC) system, where this is not in accordance with an approved plan).

From the information contained in the submitted Agricultural Land Classification report the total development site is approximately 74ha with 8% of the land being subgrade 3a land, and the remainder (92%) at subgrade 3b land. We consider that the proposed development, if temporary as described, is unlikely to lead to significant permanent loss of BMV agricultural land, as a resource for future generations. This is because the solar panels would be secured to the ground by steel piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur, provided the appropriate soil management is employed and the development is undertaken to high standards.

Although some components of the development, such as construction of a sub-station, may permanently affect agricultural land this would be limited to small areas.

However, during the life of the proposed development it is likely that there will be a reduction in agricultural production over the whole development area. Your authority should therefore consider whether this is an effective use of land in line with planning practice guidance which encourages the siting of large scale solar farms on previously developed and non-agricultural land.

Paragraph 174b and footnote 53 of the National Planning Policy Framework (NPPF) states that:

'Planning policies and decisions should contribute to and enhance the natural and local environment by:

recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.'

Footnote 53: Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.

We would also draw to your attention to Planning Practice Guidance for Renewable and Low Carbon Energy (March 2015) (in particular paragraph 013), and advise you to fully consider best and most versatile land issues in accordance with that guidance.

Local planning authorities are responsible for ensuring that they have sufficient information to apply the requirements of the NPPF. The weighting attached to a particular consideration is a matter of judgement for the local authority as decision maker. This is the case regardless of whether the proposed development is sufficiently large to consult Natural England.

Should you have any questions about ALC or the reliability of information submitted with regard to BMV land please refer to Natural England's 'Guide to assessing Development proposals on Agricultural Land'. This document describes the ALC system including the definition of BMV land, existing ALC data sources and their relevance for site level assessment of land quality and the appropriate methodology for when detailed surveys are required.

Soil is a finite resource which plays an essential role within sustainable ecosystems, performing an array of functions supporting a range of ecosystem services, including storage of carbon, the infiltration and transport of water, nutrient cycling, and provision of food. It is recognised that a proportion of the agricultural land will experience temporary land loss. In order to both retain the long term potential of this land and to safeguard all soil resources as part of the overall sustainability of the whole development, it is important that the soil is able to retain as many of its many important functions and services (ecosystem services) as possible through careful soil management and appropriate soil use, with consideration on how any adverse impacts on soils can be avoided or minimised.

Consequently, Natural England would advise that any grant of planning permission should be made subject to conditions to safeguard soil resources and agricultural land, including a required commitment for the preparation of reinstatement, restoration and aftercare plans; normally this will include the return to the former land quality (ALC grade).

General guidance for protecting soils during development is also available in Defra's Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and should the development proceed , we recommend that relevant parts of this guidance are followed, e.g. in relation to handling or trafficking on soils in wet weather.

The British Society of Soil Science has published the Guidance Note Benefitting from Soil Management in Development and Construction which sets out measures for the protection of soils within the planning system and the development of individual sites, which we also recommend is followed.

Protected Species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has produced standing advice⁵ to help planning authorities understand the impact of particular developments on protected species. We advise

you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances. The Institute of Lighting Professionals has produced practical guidance on considering the impact on bats when designing lighting schemes - Guidance Note 8 Bats and Artificial Lighting⁶. They have partnered with the Bat Conservation Trust and ecological consultants to write this document on avoiding or reducing the harmful effects which artificial lighting may have on bats and their habitats. Where security fencing is proposed it should be permeable allow the continued movement of species through the wider landscape.

Local sites and priority habitats and species

Your authority should ensure it has sufficient information to fully understand the impact of the proposal on any Local Sites such as County Wildlife Sites (CWS). Withybed CWS (Withybed Copse) is situated on land adjacent to the south western edge of the site (adjacent to field D13b). Withybed CWS is important specifically for its ancient and semi-natural woodland, which is likely to be made up of trees and shrubs native to the site, arising from natural vegetation.

Natural England and the Forestry Commission have produced Standing advice⁷ for making planning decisions on developments that may affect ancient woodland on or near a proposed development site. This advice sets out that measures should firstly be taken to avoid negative effects on ancient woodland, and secondly mitigate any harm – by using buffer zones for example. Such buffer zones should contribute to wider ecological networks, and should consist of semi-natural habitats such as woodland, a mix of scrub, grassland, heathland and wetland.

It is noted that the current proposals include the retention and protection of hedgerows (and compensation where necessary) along with trees, woodland and pond enhancements. In the proposal around 0.2ha of new woodland is to be located adjacent to the CWS, and a section of undeveloped land/grassland to act as a further buffer between the sites. This buffer zone will help to protect the adjoining ancient woodland and also provide further habitat for bats and birds. A Landscape and Ecological Management Plan (LEMP) would be necessary to ensure any such retained and created habitats are managed favourably, to maximise their benefit to wildlife.

Suggested conditions

We would advise your authority to apply conditions to secure appropriate agricultural land management and biodiversity enhancement during the lifetime of the development.

The following measures may need to be conditioned in the planning permission:

- A Construction Management Plan (CEMP) which will set out the measures to protect retained features through appropriate fencing and reference best practice measures to avoid impacts to off-site receptors, such as from contaminated run-off.
- A Landscape and Ecology Management Plan (LEMP) to ensure retained and created habitats are managed favourably to maximise their benefit to wildlife
- When planning permission expires the site shall be decommissioned and restored to agriculture

If you have any queries relating to the advice in this letter please contact me on the details below.

EDDC District Ecologist - Rory Chanter

EDDC welcomes the biodiversity enhancements proposed within this application. The site falls within the River Clyst catchment, within which the Clyst Canopy Project is currently running. One aim of the project is to try to increase the canopy cover of the catchment to 30% by 2050. A range of mechanisms are being used to achieve increase tree cover, but the contribution of woodland creation by development proposals is an important part of this. To this end, in order to maximise the contribution of the proposal to specific local objectives, the applicant is encouraged to explore the potential for creating more woodland on the site. A good potential area for woodland creation would be in place of or surrounding/supplementing the proposed wetland creation. Woodland creation in these areas would be simpler to achieve than wetland, or could simply supplement the wetland through riparian/adjacent planting, which ties in better with specific tree targets in the area. This could also provide more compensatory habitat for dormice in the area if provided in an appropriate location. The Biodiversity Net Gain assessment proposes that the three fields adjacent to the watercourses would be seeded and cut once a year with arisings removed, and that this would result in the creation of lowland meadow in "good" condition. Lowland meadow is very hard to create and requires serious concerted effort, typically involving a regime of soil testing, soil nutrient reduction, careful seeding and aftercare, monitoring, removal of injurious weeds and dominant grasses etc. The proposals for this area would increase the ecological value of these fields, but is not considered to result in creation of lowland meadow of good condition without a nutrient removal regime.

It is recommended that the applicant review the capacity to increase tree canopy cover within the application, as well as reviewing the likelihood of achieving creation of lowland meadow with the current management prescriptions

DCC Flood Risk SuDS Consultation 04/11/2022

Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage, assuming that the following pre-commencement planning conditions are imposed on any approved permission:

No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:

- (a) A detailed drainage design based upon the approved Ford oak Solar and Green Infrastructure Facility Flood Risk Assessment and Drainage Strategy a(Report Ref. CRM.2035.001.HY.R.001.B, Rev. -, dated July 2022) together with the detailed design of the proposed drainage for the T junction improvements, transformers and substations.
- (b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.
- (d) Proposals for the adoption and maintenance of the permanent surface water drainage system.
- (e) A plan indicating how exceedance flows will be safely managed at the site.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (g) above.

Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

DCC Flood Risk SuDS Consultation – 08.09.2022

Recommendation:

At this stage, we object to this planning application because we do not believe that it satisfactorily conforms to Policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan (2013-2031). The applicant will therefore be required to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Observations:

Our previous consultation response FRM/ED/0990/2022 dated 09th September 2022 remains the same.

The applicant would need to submit the detailed design of the proposed drainage strategy for our consideration.

It is observed that the applicant is currently proposing the watercourse to be culverted next to the A30 at the proposed 4.2ha Ecological Enhancements Area. This is against DCC Culverting Policy and should culverting is necessary, the applicant would need to justify its reason.

DCC Flood Risk SuDS Consultation – 10.06.2022

At this stage, we object to this planning application because we do not believe that it satisfactorily conforms to Policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan (2013-2031). The applicant will therefore be required to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Observations:

We are pleased to see that a combination of filter drains, leaky dams and swales are proposed to drain the proposed development. Due to the steep nature of the site, we

would require swales to be situated within the areas with gradient 1 in 10 or steeper not just at the downslope end of these areas.

The applicant should submit a plan clearly illustrating a buffer zone of at least 5m adjacent to the ordinary watercourse which flows through the site. We would require information on the proposed drainage for the T junction improvements and would require information on how the transformers and substations will be drained.

We would be happy to provide a further response if additional information is submitted to the local planning authority. We would require information on how the runoff from the transformers, substation and roads will be drained for the design standard event.

We would be happy to provide a further response if additional information is submitted to the local planning authority.

Environment Agency – 02.09.2022

Thank you for re-consulting us on the above planning application.

Environment Agency position

On the basis of the revised Flood Risk Assessment (FRA), we can remove our objection to this application provided that a condition is included within any permission granted in respect of the detailed design of the scrapes and ecological enhancement areas within Flood Zones 2 and 3.

The suggested wording for this condition and associated advice is set out below.

Condition - Design of scrapes and ecological enhancement areas

No development approved by this permission shall commence until details of scrapes and ecological enhancement areas within Flood Zones 2 and 3, over and above those details included within the applicants Flood Risk Assessment and Drainage Strategy July 2022 CRM.3025.001.HY.R.001.B, have been submitted to, and approved in writing by, the local planning authority.

The scrapes and ecological enhancement areas shall be fully implemented in accordance with the agreed details and subsequently maintained for the lifetime of the development.

Reason: To maximise the flood risk management benefits that these intervention measures will provide.

Advice - Flood Risk

We have reviewed the applicants revised Flood Risk Assessment and Drainage Strategy July 2022 CRM.3025.001.HY.R.001.B. We are satisfied that clarity regarding the issues we raised in our initial formal consultation response has been provided and that in overall terms the proposal complies with the overarching policy aims of the NPPF.

With regard to the proposed location of panel units within Zones D8 and D9 we feel that this can be accepted in this instance given there is scope to provide floodplain scrapes adjacent to these zones thus providing scope to provide additional functional floodplain, and given the shallow nature of flood waters that risk affecting the zones in question. We consider that the above-mentioned condition is necessary to secure the detailed design and implementation of these scrapes so as to achieve a reasonable betterment in floodplain storage capacity.

Please contact us again if you require any further advice.

Environment Agency – 08.06.2022

Environment Agency position

We recommend that the application is not determined until the applicant has provided information to confirm that the proposal can be amended slightly to ensure development avoids the areas of highest flood risk and no increase in flood risk elsewhere. The reasons for our position are set out below.

Reason - Flood risk

The proposal broadly satisfies the overriding flood risk policy aims of the National Policy Framework in terms. However, whilst the majority of the proposed panels and associated infrastructure will be located within Flood Zones 1 and 2 (low and medium probability flood zones respectively) there are some elements proposed within Flood Zone 3 (high probability flood zone) adjacent to receptors to flooding (e.g. Westcott Lane), which have the potential to locally increase flood risk.

It is for this reason that we advise that some minor alterations should be made, and assurances provided. In particular we advise the following:

- o Minor alterations being made to the proposed placing of some of the panelling units in zones D8, D9 (proximity to Westcott Lane) so as to preclude units within areas of Flood Zone 3 ('high' probability of flooding)
- o Any vulnerable infrastructure being located in areas such that they would remain safe and operational in times of flooding. The sequential approach should be given with regard to this.
- o There being a minimum 8m unobstructed buffer left between any watercourse and infrastructure associated with the development sought so as to retain access.

Notwithstanding our request for amendments to the scheme, we very much support the principle of providing 'scrapes' at strategic locations, and the localised management of land for ecological enhancement. These features have the potential to encourage localised short-term storage of flood waters thus helping reduce downstream flood risk. We note the proposed provision of various measures as shown on plan 'Suds Drainage Features/Betterment Features' (CRM.3025.001 HY D 012 E) which was submitted within the applicant's Flood Risk Assessment. Likewise, we endorse the provision of 'leaky dams' and we note the proposed development includes such. Consideration should also be given to implementing riparian planting and buffer strips, to encourage out of bank flow and thus short-term inundation of the areas of floodplain within the site.

Please reconsult us once the applicant has confirmed the amendments advised above so that we can recommend appropriate conditions. We will seek inclusion of

a condition regarding provision of 'scrapes' and 'ecological enhancement areas' within areas of Flood Zone 3 and Flood Zones 2.

South West Water

I refer to the above application and would advise that South West Water has no objection or comment.

Environmental Health – 13.09.2022

The noise levels from the development are considered to be classed as 'No Observed Effect Level'. The inverters and transformer stations have been positioned in locations that allow for suitable distance attenuation thus, ensuring that the sound produced from any of the inverters and substations will be below the background sound level when measured from any non-connected noise sensitive property. It should also be noted that the dominant noise source within the locality is traffic noise from the A30. This will have an impact of on the local acoustic environment by raising the areas background sound level.

Environmental Health – 26.05.2022

I recommend approval with conditions:

A Construction and Environment Management Plan (CEMP) must be submitted and approved by the Local Planning Authority prior to any works commencing on site, and shall be implemented and remain in place throughout the development. The CEMP shall include at least the following matters : Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, and Monitoring Arrangements. Any equipment, plant, process or procedure provided or undertaken in pursuance of this development shall be operated and retained in compliance with the approved CEMP. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site and no high frequency audible reversing alarms used on the site.

Reason:

To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution.

Police Crime Prevention Officer

Thank you on behalf of Devon and Cornwall Police for the opportunity to comment on this application.

Due to the somewhat isolated nature of the location, the risk of theft and damage is significant given that a determined effort can be made to gain access to the site with little chance of detection. Therefore, it is important that crime prevention measures are considered and embedded into the design.

1. I appreciate that deer fencing will be used for the site boundary which I understand is standard for such a scheme. Can it be confirmed that the security fence and gate to the secure DNO compound will be certificated to a nationally recognised security standard such as LPS 1175?
2. I note that a CCTV system will be installed which is supported. Can it be confirmed if the system will cover the perimeter of the scheme and will it be monitored? Without any form of active monitoring or a monitored intruder detection

system, the site will be vulnerable to unauthorised access, theft, damage etc. A monitoring capability enabling a proactive response to incidents as they occur would be beneficial.

I would appreciate it if further information on the two points above could be provided. Thank you for forwarding on the agent's comments and I am grateful to them for confirming the below. If a planning condition can be included to the effect of point 2 in relation to CCTV to aid in the detection and prevention of crime, I would appreciate it.

Other Representations

70 letters of objection have been received at the time of writing this report raising concerns which can be summarised as:

- Loss of high grade agricultural land
- Harmful visual impact on the countryside
- Impact on highway safety
- Country lanes are unsuitable for construction traffic
- Loss of habitat
- Increased flood risk and surface water run off
- Glare from solar panels
- The benefit does not outweigh the harm
- Impact of solar reflection on residential amenity
- Cumulative impact of solar farms
- Brownfield land and sites has not been considered
- Construction impacts on the community from noise and traffic
- Carbon footprint of the panels offsets green energy benefits
- Heritage impacts
- What are the energy benefits?
- Contravenes Local Plan and Neighbourhood Plan
- Landscaping will be ineffective
- Background noise from equipment
- Industrialisation of the countryside
- Damage to hedgerows and banks
- Impact on archaeology
- Will ring fence the community
- Devaluing property
- Loss of views of the countryside
- No benefits to the community
- No provision of Green Infrastructure
- Danger of death risk
- Impact on privacy from CCTV
- Leaching of chemicals from solar panels
- The agricultural land classification report cannot be relied upon

24 letters of support have also been received at the time of writing this report.

PLANNING HISTORY

None relevant to the determination of this application.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 3 (Sustainable Development)

Strategy 7 (Development in the Countryside)

Strategy 39 (Renewable and Low Carbon Energy Projects)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

EN6 (Nationally and Locally Important Archaeological Sites)

EN14 (Control of Pollution)

EN21 (River and Coastal Flooding)

EN22 (Surface Run-Off Implications of New Development)

TC7 (Adequacy of Road Network and Site Access)

Rockbeare Neighbourhood Plan

Rock01 Local Woodlands, Trees and Hedgerows

Rock03 Public Rights of Way and Bridleways

Rock04 Flood Defence

Rock 05 Important Views and Vistas

Rock 09 Flood Avoidance

Government Planning Documents

NPPF (National Planning Policy Framework 2021)

NPPG (National Planning Practice Guidance)

Site Location and Description:

The site refers to approximately 74 hectares of individual agricultural field parcels (27) to the east and south of the settlement of Marsh Green and to the east of Rockbeare and the A30. The field parcels are located within a low lying, undulating part of the area where the predominant land-use is agricultural with scattered isolated farms and small settlements. Many of the fields feature hedgerow boundaries interspersed with, mainly oak and ash trees. The land is undulating and is comprised of a shallow valley which rises to north towards the A30 dropping towards a water course to the north of Westcott Lane before rising again to the southern land parcels. The A30 forms the northern and western boundary of the site.

The nearest settlements to the site are the small hamlet of Westcott, located immediately to the west of the site and the village of Marsh Green which borders the site to the northeast. Quarter Mile Lane is orientated north to south through the village of Marsh Green which effectively divides the site into two main areas. Westcott Lane intersects the development site and is accessed from Quarter Mile Lane to the east and connects with Withybed Lane and Rag Lane to the west.

Aylesbeare is located circa 0.75km to the south of the site. To the east, the settlement edge of West Hill is circa 2km from the site boundary beyond which is the larger settlements of Ottery St Mary approximately 6km from the site. Approximately 3.9km to the west of the site is Exeter International Airport.

There are a number of residential dwellings in close proximity to the site, which include a number of grade II listed buildings and an important cluster at Rockbeare Manor, which includes the grade I listed house, the grade II* listed stable and numerous other grade II* and grade II listed buildings as well as the grade II registered park and garden that covers the site.

The application is located within the countryside and is not the subject of any national or local landscape designations. The East Devon Area of Outstanding Natural Beauty is located approximately 1.2km to the east of the development site. Part of the site nearest the watercourse is designated as flood zones 2 and 3 by the Environment Agency. A public footpath runs through a parcel of land to the south west. Immediately west and east of the southern land parcels are County Wildlife Sites at Beauport Farm and Withybed Copse.

The application site also includes an agricultural field at Clyst Honiton to provide a temporary construction reception area. The construction traffic reception compound is approximately 1.26 hectares and is located adjacent to the south west of runway 08 of Exeter Airport. The site is accessed from the B3184 which crosses the A30 north of the site.

Proposed Development:

Planning permission is sought for the construction of a 30 MW solar farm, comprising circa 60,000 solar panels across 29 hectares of agricultural land which would include solar arrays, transformers, equipment housing and sub-stations, switch rooms, security fencing, CCTV, ancillary equipment, and associated development, such as

access roads/tracks for maintenance. A temporary planning permission sought for a period of 40 years.

In total, the proposed Development consists of 27 field parcels (not all of these are identified for solar array development) which have all been provided by the applicant with a field reference number for identification purposes. Given the extent of site coverage of the solar farm, it is considered that the site can be best understood and assessed by adopting these field parcels numbers and by splitting the application site and development area into three parts as follows:

Northern Area: The main development area has a predominantly south easterly aspect and comprises 16 fields of PV arrays extending from the A30 on its north west boundary, southwards to Westcott Lane and eastwards towards the edge of Marsh Green (labelled as DC01, DC02, DC03, DC04, D8, D9, D14, D15, D16, D17, D18, G4, G5, and G6).

Southern Area: The southern area comprises four fields of PV arrays (D2-D6) on a ridgetop and south facing upper slope on land between Westcott Lane and fields to the North and South of Withybed Lane (labelled as D2, D3, D4, D5, D6 and D7).

Eastern Area: The eastern area lies to the east of Marsh Green and includes land to the east of Quarter Mile Lane comprising four fields of PV arrays (D10, D11, D12 and D13) and additional ecology area (D14).

The proposals also include circa 26 hectares of enhanced species-rich grassland and stream habitats and 19 hectares of woodland, wet meadow, stream and hedgerow ecological habitat.

Principal access points would be taken from Rockbeare Lane to the north of the site and Withybed Lane towards the southern end. The eastern parcel would be accessed via the entrance to an existing track off Quarter Mile Lane.

The proposal also includes a single field, 4 km to the west of the solar farm site, adjacent to Exeter Airport which would be used during the construction phase of the development as a reception compound for construction traffic. Access into the site would be taken from the existing vehicular entrance, which would be widened by 6.3 metres and include temporary road plates in the verge which would necessitate 3.0 metres of hedgerow removal

Issues and Assessment:

The main issues to consider in determining this application are in terms of the following:

- The policy context ;
- The principle of development;
- The landscape and visual impact;
- The loss of agricultural land;
- The impacts on heritage and archaeology;
- The traffic impacts and highway safety;

- The impact on the residential amenity;
- The impact on road network and highway safety;
- The ecological and arboricultural impacts;
- Flood risk and drainage;
- The aviation impact;
- The impact on the gas pipeline;
- Community Benefit Fund; and
- Conclusions and Planning Balance

ANALYSIS

Policy Position:

The National Planning Policy Framework (NPPF) states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Council formally adopted the East Devon Local Plan 2013-2031 on 28th January 2016 and the policies contained within it are those against which applications are being determined and carry full weight. The site falls within the parish of Rockbeare which has a 'made' Neighbourhood Plan area where the policies within the NP carry full weight alongside the East Devon Local Plan.

Principle of Development:

In planning terms, the site is located in the open countryside, as it is not within a built-up area boundary as defined by the East Devon Local Plan (referred to as the EDLP for the remainder of this letter). Development outside of built-up area boundaries falls to be considered under the provisions of Strategy 7- Development in the Countryside of the EDLP which states the following:

The countryside is defined as all those parts of the plan area that are outside the Built-up Area Boundaries and outside of site specific allocations shown on the Proposals Map. Development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located, including:

1. Land form and patterns of settlement.
2. Important natural and manmade features which contribute to the local landscape character, including topography, traditional field boundaries, areas of importance for nature conservation and rural buildings.
3. The adverse disruption of a view from a public place which forms part of the distinctive character of the area or otherwise causes significant visual intrusions.

The principle of development is however supported by Strategy 39- Renewable and Low Carbon Energy Projects of the Local Plan. This strategy supports and encourages renewable energy projects with the reasoned justification to the policy stating that

'Significant weight will be given to the wider environment, social and economic benefits of renewable or low-carbon energy projects whatever their scale'.

This support is subject on there being no adverse impacts on features of environmental and heritage sensitivity, including any cumulative landscape impacts and visual impacts, being satisfactorily addressed. It further states that applicants should demonstrate that they have taken appropriate steps in considering the options in relation to location, scale and design, avoiding harm and then reducing any harm through appropriate mitigation.

The applicant has addressed this in paragraph 3.1.3 of the submitted Design and Access Statement where it is stated:

- *'The site has appropriate solar irradiation levels, is south facing and is free of any buildings or landscape features that could cause overshadowing';*
- *'The site lies within close proximity to a suitable and viable point of connection';*
- *'It is a relatively enclosed sheltered landscape characterised by fields which are generally surrounded by wide hedgerows, often with mature hedgerow oaks and small woodlands that provide screening from surrounding views (the proposed landscaping plan will further screen and enclose the site);'*
- *'Encouraging the effective use of land, a greenfield site is necessary and the site has been identified as not being 'best and most versatile' agricultural land;'*
- *'An access with appropriate highway capacity for the construction phase;'*
- *'There are a relatively limited number of dwellings in the local area; and'*
- *'An available and suitable parcel of land of the correct size and orientation to host a 30MWp solar farm'.*

On the basis of the above, whilst it is considered that the applicants have sought to address Strategy 39 by assessing and choosing the site in terms of its suitability for solar development and the need to avoid and mitigate any impacts, not all of the headline points should be taken at face value and will therefore be examined in detail during this report. Officers are content with the site selection process, which takes into account the availability of a grid connection (which has been secured), agricultural land grading (discussed in detail later within the report), the site's accessibility, visual impact, and the avoidance of designated landscapes and is considered to be sound, in principle, in its approach.

Notwithstanding this, and notwithstanding the support in principle provided by Strategy 39 of the Local Plan, the proposal must be considered in detail against all other relevant policies and potential impacts. The remainder of this report will focus on assessing those areas.

Landscape and Visual Impact:

Whilst the application site is located in open countryside, it is not the subject of any national or local landscape designations. The proposed site lies within a low lying, undulating rural area south of Rockbeare and the A30 and to the east, south and west of Marsh Green. The predominant land-use is agricultural with scattered isolated farms and small settlements. The site itself is predominantly grazing land with traditional hedgerows and numerous mature trees, predominantly oak, both within hedge-lines and as solitary specimens or small groups within fields.

The proposal, and its various amendments, has been considered by the Council's Landscape Officer who accepts the accompanying Landscape Visual Impact's Assessment findings that the effect of the development would not extend beyond the A30. The Landscape Officer accepts that whilst there is some intervisibility with Ashclyst Forest and Paradise Copse to the north these are well beyond the study area boundaries and, particularly as the pv arrays would be facing away from them, it is doubtful whether any effect would be discernible from these locations. It is also accepted that there is no intervisibility between the site and publically accessible areas within the AONB to the east and southeast.

The Council's Landscape Officer accepts that visual effects would be largely limited to the site and local surroundings extending southwards to Marwood Road, eastwards to Quarter Mile Lane, westwards to Aylesbeare footpath 7, Rag Lane and the A30 and northwards to Rockbeare Lane. As noted in the LVIA the settlement of Marsh Green would be unaffected.

Notwithstanding the fact that the proposal would not have a wider landscape impact, it is accepted that as a result of the large scale of the proposed solar installation and the extent of its coverage, the inclusion of pv arrays on some higher slopes, the presence of a greater number of valued landscape features within the site and a larger number of visual receptors, the identified effects would be noticeable within a localised area of the site including some moderate adverse landscape effects on the site and its immediate surroundings.

In particular, moderate adverse visual effects would occur particularly for users of Westcott Lane and Aylesbeare footpath 7 and some residents at Westcott. These would be manifest as changes in landscape character through the introduction of extensive power infrastructure alien to its strongly rural setting and the closing off of several attractive views into the site and across the wider landscape.

For Westcott Lane, while in the summer development would be well screened along much of the lane, the Landscape Officer notes that the pv arrays and fencing would remain visible in some views especially in the initial few years following completion. There would be an overall loss of some currently attractive views out and where medium/ long distance views remain, distinctive field patterns in the foreground are likely to be masked due to the uniform cover of the pv arrays or as a result of the increase in height of field boundary hedgerows. In summer conditions users of the lane are likely to be aware of the solar farm along most of the length of Westcott Lane albeit in glimpsed, filtered and partial views. These will inevitably be more apparent in winter.

The eastern development area is low set and benefits from substantial existing vegetation screening and consequently the only publically accessible viewpoint identified is from one field gateway where there would be partial views of field parcels D11 and D12.

Concerns originally expressed by the Landscape Officer in relation to the visibility of certain parts of the site, the design of the security gates, additional planting and landscaping have been addressed through the submission of amended plans which have seen a reduction in the number of panels in the most prominent fields (D7, D2 and D3), the addition of additional mitigation planting and the removal of the solid security gates onto the highway which are to be replaced by agricultural field gates in a design and form to be agreed by the Local Planning Authority. These changes are supported by the Landscape Officer in reducing the perceived visual and landscape effects of the development.

Despite a request from the Landscape Officer to completely remove the arrays from field D7 which occupies a prominent corner plot position at the junction of Wescott Lane, arrays are remain in this field albeit they have been set back further from the road junction which would lessen the prominence and visual impact at this particular public vantage point. Officers are satisfied that the arrays would be set far enough back from the junction when coupled with allowing the existing hedgerows to grow and be maintained so as not to result in significant visual intrusion.

The application is accompanied by a landscape strategy which sets out a number of proposed mitigation measures to reduce the visual impact of the development from local vantage points to include Westcott Lane which includes allowing the poorly managed hedgerows to regenerate and be maintained at a height of 3-4 metres to help screen the PV arrays, the planting of additional trees and hedges to reinforce the existing boundary hedges. This will help to reduce the visual impact of the development over its lifetime.

It is acknowledged that there are already a number of solar schemes constructed or consented to the north of Marsh Green (a 13 ha solar farm at Strete Farm, Whimple) and to the east of Marsh Green (a constructed 10 MW, 22ha solar farm at Great Houndbeare, Aylesbeare ref 17/0011/VAR and a 15MW consented 30 ha solar farm on Land to the south of Rockbeare Hill ref 19/2832/MFUL). The Landscape Officer has considered the potential cumulative impact of this proposal with other solar schemes in close proximity to the site and concludes that despite the scale of the proposed development and the proximity of the two existing solar sites at Great Houndbeare and Strete Farm and a further consented scheme at Rockbeare Hill, due to the generally rolling landform with numerous trees and hedgerows, the cumulative effects of the development are considered to be very limited. It is also acknowledged that a number of other large scale solar schemes have been permitted elsewhere in the District (a consented 71 ha, 49MW solar farm at Peradon Farm ref 21/3120/MFUL and a pending application for a 26ha, 49.9 MW solar farm at land east of Rutton Farm, Whimple and a site near Langford in Mid Devon District Council's area (recently heard at an appeal inquiry, but no formal decision at the time of writing this report) however given the distance of this application site from these consented schemes or those which are still under consideration by the Council, coupled with its separation by

landform and vegetation, it isn't considered that this proposal would result in any significant cumulative visual impacts with these schemes.

To conclude on landscape impact, the proposed solar farm would result in a change to the rural landscape and character and appearance of the area the harm from which has to be weighed within the overall planning balance against the benefits that would be provided from this significant renewable energy scheme. Due to the land form and the topography of the site this landscape impact would be largely localised in terms of views from surrounding rural roads, through field gates and from a public footpath and would not be significantly harmful in terms of its wider landscape impact or its cumulative impacts with other constructed or consented solar schemes.

Solar farms in rural areas are now more common and will likely become even more common as we switch to energy production from renewable energy and address high energy prices. Whilst there will be some impact from construction, this is short term and following this solar farms are quiet, generating little activity and if well screened can be assimilated into the countryside to an acceptable degree.

Therefore, whilst it is acknowledged that there will be some visual impact as a result of the proposal, it is considered that the visual impact from the development would be at a level where it is outweighed by the benefits of the scheme, even if more than one of the proposed solar schemes being considered by the Council were approved and implemented. On balance, the proposal is considered acceptable in terms of its visual impact on the countryside.

Loss of Agricultural Land:

The submitted Land Classification report carried out by Soil Environmental Services Ltd as part of this application found that the application site consists of land which falls within agricultural land classifications 3a and 3b. Through testing the wetness of soils throughout the site and its associated colouration, the report concludes that 92% of the site is composed of Grade 3b soils (a wet medium or heavy Clay Loam) with the remaining 8% found to be grade 3a, located alongside the stream which runs across the site. Grade 3a land is considered to be 'good' and 3b land is deemed to be 'moderate'.

Annex 2 of the NPPF defines land designated as grades 1, 2 and 3a to be the best and most versatile. The agricultural land classification report that has been submitted with this application demonstrates that there would be no significant loss of BMV agricultural land with 80 hectares on the site being classified as 3b land and 7 ha (within the flood plain) as 3a. It should be noted that this report has been undertaken by testing the soils across the site which found the grade of the land to be limited by wetness due to the inability of the soil to drain water. It is understood that this effects the workability of the soil with machinery getting bogged down and crops not being able to be planted in wetter times of the year. This in-turn effects the quantity and quality of the harvest. It is understood that the depth to what is known as a Slowly Permeable Layer (SPL) is critical as the shallower this is, the worse the waterlogging or wet soil conditions at the surface will be. In order to determine the SPL, it is understood that there are key soil profile features that need to be identified during the ALC assessment, of which soil colour and structure are paramount.

The validity of the ALC report, its findings and the widespread classification of the site as subgrade 3b has however been challenged by Reading Consultants Ltd, as instructed by an occupier of a dwelling in East Devon, who have suggested that the findings of the report should not be accepted as a true statement of the site's agricultural land quality. The report raises concerns regarding the methodology associated with sampling in places (the type of pit used) and also the interpretation of the results particularly associated with the colours of the soil (which is an important indicator for determining the soil profile as explained above).

This matter has been raised with the original consultants who have stated:

'The fundamental point to note is that we have been to the site and carried out a site-specific land classification survey which examined the soils in depth across the site, as we do for all our surveys, to collect the required data as set out in the guidance. Hence the report details a true and accurate reflection of the current conditions at the site. In comparison the third-party reviewer has not been to the site and is using general published data from large scale maps and literature to compare to site specific collected survey information. Given the variability and complexity of soils the use of generic information cannot be compared to site specific gathered data when dealing with the finer point details as we are in this case'.

This is clearly a technical matter however having regard for the fact that the consultants who undertook the examination of the soils in depth across the site it is considered that the results of the survey are based on quantitative data which officers have no reason to dispute. The challenge to the validity of the survey is noted however no quantitative data or additional survey work has been provided by this consultancy to substantiate their claim or that the soil grading has not been undertaken in accordance with the MAFF guidelines and criteria for grading the quality of agricultural land. It is understood that the applicant has commissioned a further independent ALC survey to verify the findings of their report which will be verbally updated to the members of the Planning Committee.

Policy EN13- Development on High Quality Agricultural Land of the East Devon Local Plan states that land within classes 1, 2 and 3a shall be protected, and may only be developed if the following criteria are met:

- Sufficient land of a lower grade (Grades 3b, 4 and 5) is unavailable or available lower grade land has an environmental value recognised by a statutory wildlife, historic, landscape or archaeological designation and outweighs the agricultural considerations. Or
- The benefits of the development justify the loss of high quality agricultural land.

In this case, in respect of the first criterion of the policy, the small amount of grade 3a land that would be lost from this development is land which is located alongside the stream which runs across the site in the flood plain. No part of the installation is proposed on this land which would form part of the drainage plan and ecological and landscape enhancement areas.

Natural England have considered the ALC report and whilst noting that the development would not lead to the loss of over 20ha of BMV agricultural land which would make them a statutory consultee, have advised that the proposed development, if temporary as described, is unlikely to lead to significant permanent loss of BMV agricultural land, as a resource for future generations. This is because the solar panels would be secured to the ground by steel piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur, provided the appropriate soil management is employed and the development is undertaken to high standards. Although some components of the development, such as construction of a sub-station, may permanently affect agricultural land this would be limited to small areas.

Natural England do however acknowledge that during the life of the proposed development it is likely that there will be a reduction in agricultural production over the whole development area and therefore there is a need to consider whether this is an effective use of land in line with planning practice guidance which encourages the siting of large scale solar farms on previously developed and non-agricultural land.

The above comments alone, however, are not sufficient for the proposal to be considered to comply with Policy EN13 of the Local Plan. It is considered that the justification for the site coupled with the evidence to demonstrate that the proposal would not lead to a significant loss in BMV agricultural land is sufficient to meet criteria 1 of that policy, but criteria 2 remains unanswered in terms of whether the benefits from the development outweigh the loss of grade 3a agricultural land.

However, a critical issue impacting the world at the current time is climate change and, whilst food supply is an issue linked with that, a key part of addressing the climate emergency is reducing the reliance on fossil fuels; renewable energy has a vital role to play in that. This is recognised in the Local Plan, through Strategy 39 (Renewable and low Carbon Energy Projects), which makes provision for renewable energy projects. The pre-amble to that strategy states that:

"significant weight will be given to the wider environmental, social and economic benefits of renewable or low carbon energy projects, whatever their scale".

Clearly, this does lend some significant support to the scheme. However, that support must be balanced against the impact on the agricultural land, in order to ascertain whether criteria 2 of policy EN13 has been met.

In this instance, planning permission is sought for 40 years. This would mean that, whilst, the land would be lost to all agricultural activity other than grazing for that period of time, it could be used again for agriculture upon expiry of the permission. Information supplied indicates that the presence of the solar panels would not be detrimental to the quality of the land. Consequently, taking into account those factors, as well as the climate emergency and the environmental benefits offered by solar parks, it is considered, on balance, that the proposal would meet criteria 2 of policy EN13, as there is sufficient justification for the partial and temporary loss of the land for agricultural purposes.

The National Planning Policy Framework 2021 (NPPF) is balanced with regard to the issue of using agricultural land for renewable energy. In paragraph 174 the NPPF states that planning decisions should take into account the impact of development upon BMV. However, in paragraphs 152 to 158, the NPPF recognises the challenges posed by climate change and seeks to encourage planning decisions which allow renewable energy projects. Given that the NPPF balances the two issues, it is considered that the proposal, which seeks permission for 40 years, and would not be considered to harm the quality of the land, would comply with the NPPF. This is on the basis that it retains the quality of the land, and would also provide renewable energy.

Natural England, in their comments about this proposal, states that the Council should consider whether the development is an effective use of the land. It is acknowledged that, Natural England, notwithstanding their quoted comment above, highlights that it is "likely" a reduction in agricultural productivity would arise during the lifetime of the development. However, given all the comments above, it is considered, on balance, that the proposal is a suitable use for the land; the use would be temporary, would not completely prevent the site being used for agricultural purposes, and would produce renewable energy.

On balance, officers are therefore satisfied that this proposal would not result in a significant loss of BMV agricultural land and that the benefits of the development justify the loss of high quality agricultural land. The proposal would comply with the provisions of policy EN13- Development on High Quality Agricultural Land of the Local Plan.

Notwithstanding the above, it is also important to consider the cumulative impact on agricultural land in the event that all of the four major solar developments in the vicinity of the site were approved (those applications being the one to which this report relates, application 22/0783/MFUL to the east of Talaton, approved application 21/3120/MFUL at Peradon Farm, and a site near Langford in Mid Devon District Council's area). The agricultural land classification reports for those developments in East Devon show the land involved to be as follows:

Agricultural Land Grade	Area of land in hectares		
	21/3120/MFUL (Peradon Farm)	22/0783/MFUL (East of Talaton)	22/0990/MFUL (Marsh Green)
1	0	0	0
2	0	0	0
3a	12.5	7.9	7
3b	48.8	46.1	80
4	9.2	2.7	0
5	0	0.4	0
Other/unsurveyed	0.5	0	0

The application within Mid Devon District Council does not give the hectares in any classification, but it does clearly state that no field has a grade above 3b.

Given the above, it is clear that the majority of the land to which these applications relate is 3b or below. Land above grade 3b is generally considered to be of higher quality and, therefore, not suitable for development. However, as described earlier in

this report, the use of some land of a higher grade, provided it is a small amount, can be considered acceptable if excluding it from the site would not be practicable. The same principle can be used when considering the cumulative impact in the event that all four of the current applications were approved. Therefore, given the details above, it is considered that the cumulative impact of this proposal on the loss of higher quality agricultural land would be limited, and would be acceptable given the renewable energy benefits proposed.

Finally it is pertinent to note that whilst there are extensive areas of agricultural land available across the district and across the country that can be farmed, and farmed more productively to address current food prices, there is a need to transition to renewable energy production and this necessitates the use of undesignated landscapes that are near to grid connections and which do involve the loss of significant amounts of BMV agricultural land.

Heritage Impact:

This proposal has the potential to impact upon the a number of designated and non-designated heritage assets that are proximate to the application site, in such circumstances Section 66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) imposes a duty on Local Planning Authorities to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The updated guidance in the NPPF takes this further (Paragraph 199) by stating:

'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'.

Therefore it is incumbent on Local Planning Authorities to assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) and then consider whether the proposal is likely to have any harm to the significance of the asset that is being considered taking into account available evidence and any necessary expertise.

The site is in close proximity to the historic complex of Rockbeare Manor. The core of the estate contains both a grade I listed house of the same name and the associated grade II* listed stable block with the surrounding landscape containing a number of other grade II* and grade II listed buildings including the grade II listed Manor Cottages and the Shrubbery Garden Walls. These assets are set within as designed parkland setting which has been designated as a grade II registered park and garden. The south-eastern boundary of the designated landscape is located to the north west of the application site, separated by the A30.

In respect of the assessment of the impact on the setting of Rockbeare Manor and its grade II registered park and garden, Historic England originally raised concern about the supporting documentation that had been submitted in terms of photographs, montages or wire frames which could be provided to provide absolute confidence

that the development would avoid any impact on the setting of the Rockbeare and its associated heritage assets. Historic England raised concerns about the applicant's over reliance on tree cover to provide screening as it has a finite life span and also suffers from seasonal variations.

In response to these concerns, the applicant submitted a Historic Environment Assessment Addendum which is considered by Historic England to be a more robust assessment being undertaken in respect of the historic complex at Rockbeare (Mix of grade II* and II listed buildings as well as the grade II Registered Park and Garden (RPG)). The addendum maintains that the impact of the proposed solar installation will have no impact on the historic core of the site, which forms the focus of Historic England's interest. This is due to the topography and the tree cover.

Officers are satisfied that the Heritage Impact Assessment does robustly demonstrate that the proposal solar farm would have no impact on the significance of heritage assets at Rockbeare Manor or its registered parkland and garden on account of the fact that there is very limited inter-visibility between the development site and the heritage assets and the contribution made by the setting of the assets heritage value would be unchanged. The applicant has successfully demonstrated through the submission of additional photographs and assessment that there would be no inter-visibility between Rockbeare Manor or the registered park and garden and that due to intervening topography and mature trees within the parkland and the landscape screening along the A30 that the proposed solar installation would not harm the setting or significance of the identified heritage assets.

The Heritage report submitted with the application also identifies that the proposed solar farm development has the potential to affect the contribution made by setting to the heritage value of six grade II listed buildings within the vicinity of the proposed development. These assets comprise:

- Grade II listed Westcott Farmhouse
- Grade II listed Barn approximately 20m south of Westcott Farmhouse
- Grade II listed The Knoll
- Grade II listed Westcott House
- Grade II listed Rose Cottage
- Grade II listed The Old Post Office

The report provides an assessment of the heritage values of these assets, the contribution made by setting to those values, and the surroundings in which they are experienced and concludes that given the distance of separation, local topography, intervening mature trees and hedgerows and the mitigation measures embedded into the design of the proposed development, there would be no impact on the heritage values of these assets as a result of development within their settings. The grade II listed buildings character, appearance and settings would be preserved. The residual effect is none.

The Council's Conservation Officer has advised that the grade II listed buildings and their curtilage listed buildings, at Marsh Green to the east of the site are significant by virtue of their aesthetic, communal and historic interest. The aesthetic interest is derived from the vernacular architecture of these modest rural buildings built from local

materials such as; cob, stone, thatch and timber. They create the form of these distinctive buildings and local distinctiveness, which in turn forms the sense of place that is experienced.

The historic interest is in part, by the former uses of the buildings. The Knoll a former farmhouse, Yeomans Cottage which was the former post office and Rose Cottage are now all dwellings in the historic settlement of Marsh Green. The Knoll Farmhouse, derives much of its significance from its rural agricultural setting. They are illustrative of aspects of past lives, social positions and industry as evidenced by the former uses of the building, but in particular, farming and thatching. The master craftsmanship and supply of thatching continues for future generations and holds archaeological interest in its own right.

Having regard for the distance of the solar installation from the heritage assets, coupled with the topography and intervening vegetation, the Conservation Officer concludes that overall the impact on the setting of the significance of these listed buildings at Marsh Green, would be less than substantial due to the loss of views and the adverse harm that the proposed changes to the surrounding landscape will introduce to the setting of these designated heritage assets.

It is also accepted the proposal would introduce a solar farm close to the setting of the grade II listed buildings and their curtilage listed buildings, at Westcott to the west of the site. These listed buildings are currently experienced in a rural context in this small hamlet surrounded by enclosed fields.

The listed buildings are set back from the road and set within private gardens with mature trees surrounding providing a strong sense of enclosure. It is accepted that there are limited views of these heritage assets within the wider landscape and that owing to the distance of the solar arrays coupled with existing vegetation and surrounding topography that the degree of inter visibility with the proposed solar installation would be limited. The solar arrays would be separated from the heritage assets by undeveloped field parcels which would provide a buffer of agricultural land and ensure that the heritage assets would continue to be experienced, where visible, in a rural context and that the understanding and appreciation of these as a group of assets associated with the surrounding farmland would be largely unaltered as a result of the proposed landscape mitigation and existing mature trees and hedgerows.

The conclusions of the Heritage Assessment accompanying the application that the heritage asset's aesthetic value would be preserved, as would their illustrative and associative historic value is accepted. However, officers disagree with the conclusion that there would be no harm to the significance of the grade II listed buildings. As a result of the size and scale and relative proximity of the solar farm to the heritage assets and the fact that the solar installation would alter the rural character of the immediate surroundings within which these assets are currently experienced, officers consider that the development would result in 'less than substantial harm' to the significance of the heritage assets.

This conclusion has been reached by officers on the basis that whilst no listed building immediately adjoins the site and the topography and intervening vegetation means there is a general lack of inter visibility between the site and the aforementioned

heritage assets, the proposal would nevertheless introduce a large scale solar installation at the periphery of the rural setting of the aforementioned heritage assets and as such will have a limited degree of impact upon their significance. As acknowledged within the heritage assessment, the understanding and appreciation of the buildings would be 'largely unaltered' which in itself implies that the development would result in some, albeit less than substantial harm to the heritage assets.

In identifying 'less than substantial harm', paragraph 202 of the NPPF is engaged which requires the harm to be weighed against the public benefits of the proposal. Accordingly, it is considered that the public and environmental benefits (explained in more detail elsewhere in this report) of providing renewable green energy, especially given the current climate crisis and the fact that the loss of high grade agricultural land would be limited, would outweigh any less than substantial harm to the significance of heritage assets, in accordance with Paragraph 202 of the NPPF.

The proposal is therefore considered acceptable in relation to Policy EN9 of the EDDC Local Plan, Paragraphs 195, 199 and 202 of the NPPF and the duty under Section 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

Archaeological Impact:

The County Council's Historic Environment Team has considered the report setting out the results of the archaeological field evaluation undertaken at the site. This has demonstrated that the archaeological potential of the proposed solar farm site is low and its construction will not impact upon any significant heritage assets with archaeological interest.

In the light of this information it is not considered that any further archaeological mitigation is required and the Historic Environment Team has raised no objection to the application. Accordingly the proposed development would have no archaeological impact.

Traffic Impacts and Highway Safety:

In respect of assessing the impact of the proposal on highway safety, there are considered to be two principle issues; that of the impact of the development on the strategic road network- noting the proximity of the application site to the A30 and the traffic impacts associated with the construction phases of development on the local highway network. Each will be considered in turn:

Strategic Road Network:

National Highways are satisfied that once constructed the level of traffic associated with the operation and maintenance of the site is considered unlikely to result in a material impact on the safe operation of the A30 trunk road.

It is envisaged that the reception compound will generate up to 12 HGVs deliveries per day (24 two-way trips) over a temporary 10-month period only. All development traffic would then be escorted in convoys of 4 vehicles to the construction compound.

The Construction Management Plan states that the all convoys would take place out of the network peak periods to minimise any distribution on the local highway network. National Highways requests that the measures proposed to restrict development traffic during the network peak hours (0800-0900 and 1700-1800) are formalised by planning condition or other appropriate mechanism to be determined by the Local Planning Authority.

On the basis that HGV convoys to the construction compound would be prohibited during the AM and PM network peak hours and given the temporary duration of the construction traffic impact, National Highways are satisfied the development is unlikely to result in an unacceptable impact on the safe operation of the A30.

Drainage: In respect of drainage, National Highways have advised that the drainage documents make reference to a National Highways drainage culvert which heads through the upper part of the development north westerly under the A30. Section 6.1.3 of the FRA states the requirement to keep volume and flow rates of runoff matching existing or better. 5.2.2 and 6.4 of the FRA provides appropriate measures to contain the surface water risk from the development and Construction phase measures and maintenance commitments within the FRA are also considered acceptable.

National Highways raise no objection on drainage ground subject to the submission of a detailed drainage strategy to ensure that the filter drain layouts remain clear of their highway drainage asset and to ensure the construction of a proposed 'scrape' to increase floodplain capacity in the proximity of the A30 culvert will not result in an adverse impact on their drainage assets. National Highways have advised that the drainage strategy must include the drainage plan design and the overland flow routing to ensure surface water will be managed and not result in any adverse impact on their assets and must also confirm details of all proposed discharge locations.

Landscaping and Boundary Treatment: National Highways have noted that the Planning Statement states in para 7.9.7 that "while solar reflections are geometrically possible towards the A30, the solar reflections will be screened by existing vegetation, which will be subsequently supplemented with additional proposed vegetation as part of the proposed development."

However, the Landscape Strategy Plan shows no additional screening proposed alongside the site boundary adjacent to their estate. It is therefore unclear how glare from the site, and particularly from field DC02a, will be screened from the A30 eastbound carriageway. National Highways have therefore requested the submission of a boundary treatment plan and planting schedule for their review which details in full the proposed measures to ensure the development will be adequately screened from the A30 trunk road.

Subject to the imposition of conditions which require the submission of a drainage strategy, a boundary treatment plan to include details for the site boundary with the A30 trunk road and a revised landscape plan and associated planting schedule, National Highways are satisfied that the development would not adversely affect safe operation of the Strategic Road Network.

Impact on Local Highway Network:

Once operational, solar farms are generally benign in terms of their transport impacts where traffic movements are minimal and generally limited to small maintenance vehicles occasionally visiting the site. The proposal does however have the potential to impact upon traffic and highway safety during the construction and de-commissioning phases of the development.

An important aspect of this application in terms of minimising the traffic impacts from the solar installation is the inclusion of the off-site reception compound located off Bishop's Court Lane to the southwest of the A30, approximately 4.5 km west of the application site.

A Construction Traffic Management Plan has been submitted with the application which details the route which vehicles would travel to the site, the type of vehicles to be used, when they can travel and other related matters. Adherence to this document can be secured by condition in the event that this application is approved.

The construction routes that have been put forward provides a detailed review of the three best routes to provide construction access to the site.

The Transport Statement takes a detailed review of the three best routes to provide for construction access to the site detailed as follows:

Route A: The primary construction route approaching the site from the A30 via the B3184, Marwood Lane and Quarter Mile Lane to the onsite construction compound. The route between the reception compound and construction compound would be a one-way system to avoid two HGV's meeting on the narrow lanes. Vehicles would exit the construction compound and return to the reception compound via Wescott, Exeter Airport and the B3184.

Route B: The development would also generate a limited amount of transformer and crane trips to the site and to cater for this, it is proposed to enter and exit the site via the B3180, passing through Marsh Green to the east.

Route C: A limited amount of transformer deliveries and a crane would enter and exit via the B3174 to the north.

Route A is proposed as the main construction route with Routes B and C only required to accommodate the transformer deliveries and a crane. These routes would be two way.

The Transport Statement has been considered by the County Highway Authority who accepts that the route A option (approaching the site from the A30) would be the best route due to it being the most direct with the most strategic network available from the holding compound, in addition to utilising the widening and improvements that Long lane is currently undergoing.

The traffic management and temporary works to make this route acceptable including a shuttle notification and one way system, seem reasonable and would minimise the impact upon the carriageway.

The applicant's desire to avoid through-route traffic in the village of Marsh Green is acknowledged and welcomed and with the exception of limited traffic using routes B and C to transport transformers and cranes would reduce the likely impact of construction traffic on the residents within the village. Subject to the imposition of a condition that requires the development to be carried out in accordance with the Construction Traffic Management Plan which includes details traffic routes, the use of signage and banksmen and the temporary widening of some areas of highway, it is considered that the development can take place without causing harm to the highway network, or the safety of those using it.

The applicant has also provided a further Highways Technical note which provides further clarification on the logistics of delivering equipment from the centralised construction compound on the site (field parcel D6) to the wider site. This technical confirms that all deliveries would arrive at the eastern access on Withybed Lane and unload within the centralised construction compound at parcel D6, then depart via the western access onto Withybed Lane, thus adhering to route A- the one way routing strategy between the reception compound and construction compound. It is then proposed to transport the equipment to smaller compounds within the application site by quad bikes and tractors.

The technical note clarifies that the majority of the routes between the on-site construction compound and wider site parcels contained within fields with no additional impact on the local highway network. There will be a limited number of tractor and quad movements on the local highway (Westcott Lane and Quarter Mile Lane) that would be utilised for transporting equipment which would have the potential to impact on traffic and congestion. These are generally short sections of public highway where banksmen at the respective accesses would be in place to control the release of vehicle movements such that it is not considered that it would give rise to any significant highway safety concerns.

Subject to this and the imposition of a condition that requires the submission of a Construction Environment Management Plan to further mitigate construction disruption to include information such as contractor car sharing and wheel washing facilities to avoid debris being brought onto the carriageway, it is considered that the proposal is acceptable in terms of its impact on the highway network.

Notwithstanding the above, it is also important to consider the cumulative impact on highways in the event that all of the four major solar developments in the vicinity of the site were approved and constructed, those applications being the one to which this report relates, the approved solar farm at Rockbeare Hill ref 19/2832/MFUL and at Peradon Farm ref 21/3120/MFUL and pending application 22/0783/MFUL to the east of Talaton.

It should be noted that the Marsh Green site is some distance from the location of the Peradon Farm and Talaton sites. The details submitted with the Marsh Green application show that the traffic generated by the proposal would only share routes

with any of the other proposed developments whilst on the A30, M5 and for a very short section of the former A30, close to Daisymount junction, where a small amount of Marsh Green related traffic would use the same road (Bendarroch Road and Rockbeare Hill) as the main access to the approved 19/2382/MFUL (Rockbeare Hill) solar farm.

In the event that the Rockbeare Hill solar farm and Marsh Green solar farm were under construction at the same time, then there is the potential for traffic congestion on a short section of Rockbeare Hill from the B3180 which is the main construction and access route to the Rockbeare Hill site. This route is shared with proposed Route B which would be used for a small number of transformer and crane trips to the site. However given the fact that this is not the primary construction route for the proposed solar farm and given the proposed infrequent use of route B, it isn't considered that in the event that this application is approved, that it would have a detrimental cumulative impact on the highway network.

The proposal is therefore considered to be acceptable in accordance with Policy TC7 of the EDDC Local Plan and advice contained in the NPPF.

Residential Amenity:

There are a number of residential properties that have the potential to be affected by the proposed development and the representations received raising concern about the impacts of the proposed solar farm on residential amenity in respect of noise, glint and glare and construction traffic are noted. It is important to note that the solar arrays and equipment have been positioned on the site so that they do not adjoin or abut any residential property or curtilage. It is however accepted that parts of the solar installation will be visible from residential properties however this in itself does not amount to harm to amenity and in any event, the loss of, or impact on, a view cannot be taken into account when determining a planning application. Furthermore, it has been established earlier in this report that the landscape impact of the proposal is acceptable.

Concerns in respect of the impacts from glint and glare have been addressed by the applicant who has prepared a Glint and Glare Study which identifies 52 dwelling receptor locations for assessment. The report concludes that at 6 dwelling receptor locations (Marsh Green Farm and Sunnyside the east and Little Westcott Farm, Holly Tree House, Little Westcott Hayes and Westcott Farmhouse to the west) solar reflection is possible. The report concludes that at all six dwelling receptor locations, solar reflections would last for more than three months per year and for less than 60 minutes per day. The resulting impact significance is considered to be moderate which requires consideration to be given to mitigation.

Of the 6 receptors identified, the report concludes that the greatest impact of the development in terms of glint and glare is likely to be on the occupiers of Little Wescott Farm, the nearest of the residential properties to the solar installation where views may be possible from the ground floor of the property. The report concludes that mitigation for the remaining 5 dwellings is not required due to the distance from the panels, views from first floor windows only and solar reflections coinciding with sunlight.

The report acknowledges that whilst there is some existing screening towards the solar panels, this is unlikely to be sufficient owing to the raised elevation of the dwelling relative to the reflecting panel areas. Following a detailed modelling exercise that was undertaken for the two solar panels areas nearest Little Westcott Farm, the mitigation proposed is effectively to alter the angle that the solar panels are facing (known as the Azimuth angle) and the tilt angle of the panels in the nearest fields which demonstrates that it would result in solar reflections that would last for less than 3 months of the year and for less than 60 minutes of the day, with no consideration of existing screening.

Effectively, the report demonstrates that through layout optimisations varying the geometric characteristics of the solar panels it is possible to reduce the duration of solar reflection which would in-turn reduce glint and glare effects to acceptable levels such that no further mitigation will be required. Subject to a condition that requires the development to be carried out in accordance with the layout optimizations contained within the report, it is considered that the impacts from glint and glare on residential amenity will be acceptable.

The proposal has been considered by the Council's Environmental Health Officer who has advised that the noise levels from the development are considered to be classed as 'No Observed Effect Level'. The inverters and transformer stations have been positioned in locations that allow for suitable distance attenuation thus, ensuring that the sound produced from any of the inverters and substations will be below the background sound level when measured from any non-connected noise sensitive property. It should also be noted that the dominant noise source within the locality is traffic noise from the A30. This will have an impact of on the local acoustic environment by raising the areas background sound level.

Given the distance of the installation from residential properties and the lack of objection from the Council's EHO on noise grounds, it isn't considered that the proposal would result in any significant harm to the amenities of the occupiers of surrounding residential properties.

It is accepted that the construction and de-commissioning phases of the development have the potential to impact on amenity through construction noise, traffic, dust etc. and therefore it is considered necessary and reasonable to impose a condition that requires the submission of a Construction Environmental Management Plan to ensure these impacts are minimised. Once the solar farm is operational, its impacts are relatively benign with only a minimal number of traffic movements required for maintenance.

On balance, it is considered that the proposal is acceptable in terms of its impact on the occupiers of residential properties, in accordance with Policies D1- Design and Local Distinctiveness and EN14- Control of Pollution of the Local Plan.

Ecological Impact:

The proposed main site is located approximately 1.9km to the north west of the East Devon Pebblebed Heaths Special Area of Conservation (SAC), and the East Devon Pebblebed Heaths Site of Special Scientific Interest (SSSI). Natural England have

reviewed the ecological evidence provided and have not identified a pathway by which impacts from the development would affect the interest features of the aforementioned sites. They advise that impacts on any national and international protected sites can be screened out from Habitats Regulations Assessment.

The application is accompanied by ecological surveys that have been undertaken which concludes that the site comprises improved and species-poor semi-improved cattle pasture and arable fields bound by hedgerows and woodland habitats.

Further ecological surveys have been undertaken including badger; further botanical assessment; great crested newt; potential bat roosting assessment; bat activity and wintering bird surveys. The surveys reveal that the site is utilised by commuting/foraging and roosting bats, breeding birds and commuting/foraging badgers. The scheme has been designed to retain and protect impacts on habitats which are of higher ecological value. No hedgerow or tree removal is proposed as part of the scheme and a number of construction compliance measures have been put forward to mitigate the potential effects of construction on protected species which can be conditioned.

Natural England note that the Withybed County Wildlife Site (CWS) (Withybed Copse) is situated on land adjacent to the south western edge of the site (adjacent to field D13b). Withybed CWS is important specifically for its ancient and semi-natural woodland, which is likely to be made up of trees and shrubs native to the site, arising from natural vegetation. Therefore it is important to assess the likely impacts of the development on ancient woodland on or near a proposed development site.

Natural England note that the current proposals include the retention and protection of hedgerows (and compensation where necessary) along with trees, woodland and pond enhancements. In the proposal around 0.2ha of new woodland is to be located adjacent to the CWS, and a section of undeveloped land/grassland to act as a further buffer between the sites. Natural England advise that the buffer zone will help to protect the adjoining ancient woodland and also provide further habitat for bats and birds. A Landscape and Ecological Management Plan (LEMP) would be necessary to ensure any such retained and created habitats are managed favourably, to maximise their benefit to wildlife.

It is important to note that the scheme has been designed with a number of ecological and biodiversity enhancements across the site which includes the retention, enhancements and buffering of existing woodland, field trees, hedgerows and riparian habitat. The key ecological and biodiversity enhancements and improvement areas are set out as follows:

- Woodland - A new wooded area will be created within the ecological mitigation area to the south of field D13 within the narrow field bordering the Withybed Copse County Wildlife Site.
- Wetlands, Watercourses and Standing Water - Leaky dams will be installed along the length of the Ford Stream. Watercourses will be sown with pond edge seed mix in Fields D9 and G4. Along D9 and G4 a 5m buffer strip of tussocky

grass mix will be sown. This will reduce pollution entering the stream from the north.

- Scrapes - Small scrapes will be dug in areas nearby the stream to hold excess flood water. These will improve more invertebrate biomass and diversity on site as well as providing breeding opportunities for amphibians.
- Ponds – Several ponds are present on site, the majority of these are heavily shaded. Thinning of vegetation around these will take place to increase light levels and increase perennial diversity via seed sewing. grassland types are currently heavily modified and species poor. A variety of seeding regimes will be undertaken across the site to create a variety of well-connected grassland types.
- Trees – The proposed development does not require the removal of any trees during both the construction or operational phases. Significant enhancement measures proposed will lead to a greater level of protection to the existing trees which will result in a highly beneficial impact on these important landscape and ecological features.

The ecological enhancements have been considered by the Council's ecologist who welcomes the biodiversity enhancements proposed within this application. The site falls within the River Clyst catchment, within which the Clyst Canopy Project is currently running. One aim of the project is to try to increase the canopy cover of the catchment to 30% by 2050. A range of mechanisms are being used to achieve increase tree cover, but the contribution of woodland creation by development proposals is an important part of this. At the request of the Council's ecologist, further woodland creation has been included within field 13.

Schedule 14 of the Environment Act 2021 requires a minimum 10% Biodiversity Net Gain (BNG) and the current wording in policy EN5- Wildlife Habitats and Features of the Local Plan simply requires 'enhancement where possible'. The ecological improvements offered through this application significantly exceed the 10% requirement and are stated by the applicant to equate to 121% BNG through on site mitigation. It should be noted that Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection to the proposal subject to the imposition of conditions relating to a CEMP, LEMP and decommissioning, in the event that the application is approved. Such conditions are considered reasonable, to ensure that the proposal is not harmful to ecology. The environmental benefits from biodiversity net gain are considered to weigh in favour of the application within the overall planning balance.

Arboricultural impact:

No comments have been received by the Council's Arboricultural Officer however officers consider that the proposals which propose no felling of mature trees which positively contribute to the rural landscape and character of the area to be acceptable. This is subject to, in the event that this application is approved, a pre-commencement condition that would relate to the submission of an Arboricultural Method Statement

(AMS), and a Tree Protection Plan (TPP) which would be required before any works take place on site.

It is considered that such a condition is reasonable to ensure that trees are retained and protected during construction in order to preserve the character and appearance of the area, and also accord with Policies D1-Design and Local Distinctiveness and D3-Trees and Development Sites of the Local Plan.

Flood Risk and Drainage:

There are flood zones (2 & 3- high probability of flooding), designated by the Environment Agency (EA) within the red line for the proposed development on land alongside the watercourse which runs through the northern part of the site which the EA have advised has the potential to locally increase flood risk.

The EA originally objected to the development on the basis that some elements were proposed within Flood Zone 3 (high probability flood zone) adjacent to receptors to flooding (e.g. Westcott Lane), which have the potential to locally increase flood risk.

The EA requested some minor revisions to the scheme and assurances provided. In particular they advised the following:

- Minor alterations being made to the proposed placing of some of the paneling units in zones D8, D9 (proximity to Westcott Lane) so as to preclude units within areas of Flood Zone 3 ('high' probability of flooding)
- Any vulnerable infrastructure being located in areas such that they would remain safe and operational in times of flooding. The sequential approach should be given with regard to this.
- There being a minimum 8m unobstructed buffer left between any watercourse and infrastructure associated with the development sought so as to retain access.

Following receipt of a revised FRA and Drainage Strategy the EA have advised that they are satisfied that clarity regarding the issues raised in their initial formal consultation response has been provided and that in overall terms the proposal complies with the overarching policy aims of the NPPF.

Specifically the EA have advised that with regard to the proposed location of panel units within Zones D8 and D9, this can be accepted in this instance given there is scope to provide floodplain scrapes adjacent to these zones thus providing scope to provide additional functional floodplain, and given the shallow nature of flood waters that risk affecting the zones in question. The EA consider that the above-mentioned condition is necessary to secure the detailed design and implementation of the scrapes so as to achieve a reasonable betterment in floodplain storage capacity.

Following withdrawal of the EA's objection and their support for the revised proposals, the development is considered to be acceptable from a flood risk perspective.

With regards to surface water drainage, the County Council's Flood Risk Management Team originally objected to the application because they did not believe that the

scheme satisfactorily conformed to Policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan. DCC have now withdrawn their objection and advised that the applicant will be required to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered. This can reasonably be secured by an appropriately worded pre-commencement condition for a detailed drainage strategy.

Accordingly, the proposal is considered to accord with Policy EN22 of the EDDC Local Plan.

Aviation impact:

Despite an original objection to the application from Exeter Airport, the updated Glint / Glare study together with the accompanying Glint / Glare addendum have been studied from an aerodrome safeguarding perspective with the following findings.

- The study shows that for 08/26 arrivals overall there will be no significant impact on either of the assessed areas and therefore acceptable.
- The study together with a site survey shows that the solar panel area would not be visible to the Air Traffic Control Tower, so no solar reflections are predicted and therefore acceptable.
- The Addendum relating to circuit traffic operating at Exeter Airport shows that the times of potential solar reflections, which are outside of the airports usual operating hours, which together with the overall conclusions within section 5.3 of the report show no operational issues and therefore acceptable.

Accordingly, based on the findings and evidence within the studies which addresses the previously raised concerns Exeter Airport's Safeguarding objection to the application has been removed. Therefore, it is considered that the proposal is acceptable with regard to its impact upon aviation safety.

Reception Compound:

The proposal includes the construction of a traffic reception compound on an agricultural field around 1.26 hectares in size which is bordered by a band of vegetation to the north before leading to the A30. Bishops Court Lane runs along the eastern and southern boundary and is bordered by a farm track to the west and fields beyond. Marlborough Cottages lie to the north west of the site.

This area will act as a reception and holding compound where vehicles will be registered and held awaiting escorted convoys. It is stated that the site will not be used for the storage of construction materials. It is proposed to position a pre-fabricated temporary office and welfare building on the site which would be no greater than 3.0 metres in height.

The existing vehicular access would be widened by 6.3 metres and include temporary road plates in the verge which would necessitate 3.0 metres of hedgerow removal. Ground protection matting would be spread across the relevant parts of the field needed for the access road and parking areas and office and welfare compound.

Whilst using this field would have a degree of visual harm arising from its proposed use, this would be temporary and only required during the construction phase of the solar farm. The removed hedgerow would be reinstated on completion of the works and the site would be restored back to its previous condition with reseeding if necessary.

It is proposed to manage traffic in and out of the site which would include stop and go boards and banksmen who will be used to control vehicles entering and exiting the site to minimise the impact on the local highway network, in the interests of highway safety.

Use of the field as a holding compound and vehicle movements on the field would have a degree of impact on the amenities of the occupiers of the nearest properties (1 and 2 Marlborough Cottages) to the north west of the site. This would be for a temporary period and the impacts on amenity can be minimised through the imposition of a condition requiring the submission of a CEMP which covers this part of the site as well as the solar farm.

Impact on Gas Pipeline:

A high pressure gas main runs along Withybed Lane within the site albeit outside of the security fencing. The inner, middle and outer zones of the pipeline do fall within the development site however having regards for the Health and Safety Executive's land use planning methodology and guidance on assessing planning applications for development type's within these zones, on the basis that the proposal is for a solar installation and not therefore a 'sensitive' development type with no visiting members of the public, the advice is to 'do not advise against development'. Accordingly, it is considered that the proposal would cause no harm to the pipeline infrastructure or to any members of the public.

Grid Connections:

Whilst not a material planning consideration, details of the confirmed grid connection for this proposal have been provided to the Council. Although some detail in that is confidential (due to commercial sensitivities), the details provided are sufficient for Officers to be sure that a grid connection is confirmed for the development to which this report relates. This means that, should this development be approved, it would be able to connect to the grid and contribute to energy production.

Furthermore, it is understood that each of the other currently proposed solar developments have agreed/confirmed grid connections.

Community Benefit Fund:

This proposal also puts forward a community fund whereby community groups can apply for funding of community led projects. From a planning perspective there is a wider national benefit from renewable energy production and no requirement for any local benefits to be provided, although officers do recognise the benefits to the local community in such a fund. However the planning system cannot secure such financial

contributions for the local community as officers do not consider that a community fund would meet the tests within the Planning Practice Guidance on planning obligations which states:

Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms. They must be:

- *necessary to make the development acceptable in planning terms;*
- *directly related to the development; and*
- *fairly and reasonably related in scale and kind to the development.*

A community fund does not meet the aforementioned tests and as such should carry no weight as a material planning consideration in the assessment of this planning application. Any such agreement would need to be made outside of the planning application between the applicant and the local community.

CONCLUSION

This proposal is one of a number of solar developments currently under consideration, together with those already permitted in East Devon and in Mid Devon. Clearly, this report relates primarily to the application at Marsh Green. However, the potential cumulative impact in the event that any other of the proposals are approved/implemented has also been considered and this proposal would not lead to any cumulative impact with other developments.

As detailed in the main body of the report, the proposal has been carefully considered with regard to all relevant material planning considerations and technical issues and, following negotiations with the applicant who has made amendments to the proposals to address some of the original objections that had been received to the proposal, the development is now considered to be acceptable in terms of its impacts.

Whilst the following weigh against the proposal:

- Loss of some Grade 3A agricultural land (7ha);
- The visual impacts, although localised and limited
- Temporary impacts during construction and de-commissioning;
- The less than substantial harm to the significance of heritage assets

The following weigh in favour of the proposal:

- Environmental benefits from renewable energy production and support from Strategy 39 of the Local Plan;
- Environmental benefits from biodiversity net gain;
- Lack of landscape designation and availability of a grid connection;
- Insignificant loss of BMV land
- Wider environmental, social and economic public benefits of renewable energy production helping to support the government's national strategy and policy requirement to be net zero by 2050.

- Potential to power up to 18,500 homes

Having regard for the above and the detailed assessment within this report, officers consider that significant weight should be afforded to the wider environmental, social and economic benefits of this particular solar farm proposal which has the potential to power 18,500 homes using 100% renewable energy and that these benefits outweigh the identified limited landscape and heritage harm that would arise from the proposal. The harm identified can be suitably mitigated through the imposition of conditions pertaining to landscaping, planting and hedgerow management, controlling construction traffic and the environmental impacts arising during construction, and as the limited amount of Grade 3a agricultural land that will be lost, will still be available for grazing and could be returned to agricultural use in the future.

Furthermore, in the absence of any technical objections, the lack of wider amenity impacts and lack of highway safety impact, on balance, it is considered that the proposed 30 MW solar installation complies with both Local Plan and National policy. The substantial public benefit from this renewable energy proposal would support the government's national strategy and policy requirement to be net zero by 2050 which should be afforded a significant amount of weight within the overall planning balance. It is therefore recommended that this application is approved for a temporary period of 40 years.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. Within 40 years and six months following completion of construction of development, or within six months of the cessation of electricity generation by the solar PV facility, or within six months following a permanent cessation of construction works prior to the solar PV facility coming into operational use, whichever is the sooner, the solar PV panels, frames, foundations, inverter modules and all associated structures and fencing approved shall be dismantled and removed from the site. The developer shall notify the Local Planning Authority in writing no later than five working days following cessation of power production. The site shall subsequently be restored in accordance with a scheme, the details of which shall be submitted and approved in writing by the LPA no later than three months following the cessation of power production. Note: for the purposes of this condition, a permanent cessation shall be taken as a period of at least 24 months where no development has been carried out to any substantial extent anywhere on the site.

(Reason -To ensure the achievement of satisfactory site restoration in accordance with Strategies 7 (Development in the Countryside), 39 (Renewable and Low Carbon Energy Projects) and 46 (Landscape Conservation and Enhancement and AONB's) and Polices D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the East Devon Local Plan 2013 - 2031.)

4. The site, including the land around and beneath the solar panels, shall remain available for agricultural purposes, which shall include ecological purposes such as wildflower margins, hedgerow and tree maintenance, and conservation grazing.

(Reason - To ensure the continuation and retention of the land for agricultural purposes in addition to the solar farm, to safeguard countryside protection policies in accordance with Strategies 7 (Development in the Countryside) and 39 (Renewable and Low Carbon Energy Projects) of the East Devon Local Plan 2013- 2031.)

5. A Construction and Environment Management Plan shall be submitted and approved by the Local Planning Authority in writing prior to any works commencing on site, and shall be implemented and remain in place throughout the development. The CEMP shall include at least the following matters: Air Quality, Dust, Water Quality, Lighting, Noise and Vibration, Pollution Prevention and Control, site compound location, extent and expected duration, delivery routes and booking system, contractor mini-bus transport, and Monitoring Arrangements. Construction working hours shall be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays, with no working on Sundays or Bank Holidays. There shall be no burning on site. There shall be no high frequency audible reversing alarms used on the site.

In addition, a Soil Resource Plan shall be provided either as part of the CEMP or as a stand-alone document. The Soil Resource Plan shall provide the following information:

- An analysis of the existing soil resource across the site including a plan showing topsoil and subsoil types based on trial pitting and laboratory analysis and an assessment of vulnerability of site soils to loss of structure/fertility due to construction operations including soil stripping, handling and storage and trafficking by machinery
- A methodology for soil stripping, storage and replacement required for construction of site compound, haul routes, cable trenches and other site excavations.
- Identification of haul routes within the site including those required for the operational life of the development as well as temporary trackways and unsurfaced routes during the construction phase.
- Measures to prevent compaction of soils such during construction such as avoiding working when ground is excessively wet, the use of tracked vehicles, cordoning off areas not required for construction machinery access etc.

- Identification of person responsible for supervising soil management.

(Reason - To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution, to preserve the integrity and fertility of site soils and support the return of the land to agricultural on the expiry of the consent; to prevent additional surface water run-off due to soil compaction and to comply with the provisions of Policies D1 (Design and Local Distinctiveness), EN13(Development Affecting High Quality Agricultural Land) and EN14 (Control of Pollution); of the East Devon Local Plan 2013 - 2031.)

6. In relation to Construction Traffic Management and Construction routing, the development hereby approved shall be carried out in accordance with the Construction Traffic Management Plan Rev C prepared by Sustainable Development and Delivery dated August 2022 and the Technical note prepared by Sustainable Development and Delivery ref DV5045PD-TN01 dated September 2022. The approved Construction Traffic Management Plan and construction routing contained therein shall be adhered to throughout the development.

(Reason: in the interest of the safe and efficient operation of the local road network in accordance with policy TC7- Adequacy of Road Network and Site Access of the East Devon Local Plan 2013-2031).

7. Prior to the commencement of the development hereby permitted, a detailed drainage strategy shall be submitted to and approved in writing by the local planning authority (in consultation with National Highways). This must include full details relating to the maintenance of the assets that will control the flows of water on and around the site.

(Reason: in the interest of the safe and efficient operation of the strategic road network, and to protect the integrity of the National Highways drainage asset in accordance with policy TC7- Adequacy of Road Network and Site Access of the East Devon Local Plan 2013-2031).

8. Prior to the commencement of the development hereby permitted, a boundary treatment plan including details for the site boundary with the A30 trunk road shall be submitted to and agreed in writing by the Local Planning Authority (in consultation with National Highways).

(Reason: In the interest of the safe and efficient operation of the strategic road network and to protect the National Highways soft estate in accordance with policy TC7- Adequacy of Road Network and Site Access of the East Devon Local Plan 2013-2031).

9. Notwithstanding the submitted details and prior to the commencement of the development hereby permitted, a revised Landscape Plan and associated Planting Schedule be submitted to and agreed in writing by the Local Planning Authority (in consultation with National Highways).

(Reason: In the interest of the safe and efficient operation of the strategic road network and to protect the National Highways soft estate in accordance with policy TC7- Adequacy of Road Network and Site Access of the East Devon Local Plan 2013-2031).

10. Notwithstanding the submitted details and prior to the commencement of the development hereby permitted a detailed AMS shall be submitted to and approved in writing by the Local Planning Authority. The AMS will include all relevant details to protect the retained trees, including a detailed Tree Protection Plan. Relevant details may include but are not limited to construction methods, construction traffic management, demolition methods, finished levels, ground protection, landscaping methods and materials, material storage, service runs and tree protection barrier fencing. The AMS will also include details of a clerk of works schedule that specified arboricultural supervision at appropriate stages of the development process. Any variations to the details of the AMS must only be undertaken after the proposed variations have been agreed in writing by the LPA. (Reason - To ensure retention and protection of trees on the site prior to and during construction in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 (Design and Local Distinctiveness) and D3 (Trees and Development Sites) of the Adopted New East Devon Local Plan 2013-2031).
11. Notwithstanding the submitted details, no development shall commence on site until the following information has been submitted to and approved by the Local Planning Authority:
 - a) A full set of soft and hard landscape details including:
 - i) Planting plan(s) showing locations, species and number of new trees and native hedge/ shrub planting and extent of new grass areas, together with existing trees, hedgerow and habitat to be retained/ removed.
 - ii) Plant schedule indicating the species, form, size, numbers and density of proposed planting.
 - iii) Soft landscape specification covering clearance, soil preparation planting and sowing; mulching and means of plant support and protection during establishment period and 5 year maintenance schedule.
 - iv) Tree pit and tree staking/ guying details
 - v) Method statement for creation and maintenance of species rich grassland and wetland habitats
 - b) Details of proposed colour finishes to housings for inverters, storage units and substations.
 - c) Details of proposed under and over ground cable routes together with method statements for taking underground cables through any hedgebanks.
 - d) Details of the locations of security cameras.
 - e) Details of finishes of framing elements of proposed pv panels.
 - f) Details of proposed gates and alterations to existing gateways. This shall include an overall site plan(s) showing the locations of new and replacement gates and any existing gateways to be infilled with new hedging. The plan should clearly distinguish between different gate types. Elevation details of each proposed gate type shall also be provided.
 - g) Construction details for proposed hardstandings, trackways and associated drainage provision including location, extent, associated grading and specification for material finishes.

The development shall thereafter be carried out in accordance with the approved details. In relation to the soft landscaping, any new planting or grass areas which

fail to make satisfactory growth or dies within five years following completion of the development shall be replaced with plants of similar size and species to the satisfaction of the Local Planning Authority.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Strategy 5 (Environment), Policy D1 (Design and Local Distinctiveness), Policy D2 (Landscape Requirements) of the East Devon Local Plan 2013-2031).

12. Notwithstanding the submitted landscape details, no site works shall begin until a site specific Landscape and Ecology Management and Maintenance Plan has been submitted to and approved in writing with the Local Planning Authority. This shall set out responsibilities for maintenance within the site and cover the construction, establishment, management and ongoing maintenance of landscape elements and bio-diversity measures. The Plan shall set out the landscape and ecological aims and objectives for the site along with the specific management objectives for each landscape/ ecological component, and the associated maintenance works required on an Annual and Occasional basis. Details of inspection, monitoring and reporting arrangements shall also be provided. The plan shall include an as existing condition survey for each length of hedge, identifying its position on the Hedgelink - hedge management cycle, any initial works required to bring to good condition, such as gapping up, removal of invasive species etc. and requirements for cutting including intended height range and cutting height and frequency and expected number of trees to be let up within each identified section. The Plan shall cover a period of not less than 25 years following the substantial completion of the development and shall be reviewed every 5 years and updated to reflect changes in site conditions and management prescriptions in order to meet the stated aims and objectives.

Management, maintenance inspection and monitoring shall thereafter be carried out in accordance with the approved plan for the duration of the operational phase of the development.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Strategy 5 (Environment), Policy D1 (Design and Local Distinctiveness), Policy D2 (Landscape Requirements) of the East Devon Local Plan.

13. Prior to the commencement of the development hereby permitted a detailed decommissioning plan covering the removal of all temporary infrastructure from the site and identifying any areas of new habitat creation/ planting and any tracks and hardstandings which are to be retained shall be submitted to and approved in writing by the Local Planning Authority. The plan should show how the site will be returned to agricultural use and shall include a demolition and restoration programme. The development shall thereafter be carried out in accordance with the approved details.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Strategy 5 (Environment), Policy D1 (Design and Local Distinctiveness), Policy D2 (Landscape Requirements) of the East Devon Local Plan 2013-2031).

14. The development hereby approved shall be carried out in accordance with the recommendations and mitigation measures set out within Section 4 of the Ecological Appraisal, prepared by Devon Wildlife Consultants, dated May 2022 ref 21/3754.01.
(Reason - To ensure that the development is not harmful to wildlife, in accordance with Policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013 - 2031).
15. No development approved by this permission shall commence until details of scrapes and ecological enhancement areas within Flood Zones 2 and 3, over and above those details included within the applicants Flood Risk Assessment and Drainage Strategy July 2022 CRM.3025.001.HY.R.001.B, have been submitted to, and approved in writing by, the local planning authority. The scrapes and ecological enhancement areas shall thereafter be fully implemented in accordance with the agreed details and subsequently maintained for the lifetime of the development.
(Reason: To maximise the flood risk management benefits that these intervention measures will provide in accordance with policy EN22- Surface Run-Off Implications of New Development of the East Devon Local Plan 2013-2031).
16. No permanent external lighting shall be installed on the site until details of the lighting have been submitted to and approved in writing by the Local Planning Authority. The lighting shall thereafter be carried out in accordance with the approved details and no further lighting shall be installed without a grant of express planning permission from the Local Planning Authority.
(In order to retain the rural character of the area and to prevent light pollution, in accordance with Strategies 7 (Development in the Countryside) and 46 (Landscape Conservation and Enhancement and AONB's) and Polices D1 (Design and Local Distinctiveness) and D2 (Landscape Requirements) of the East Devon Local Plan 2013 - 2031.)
17. Notwithstanding the submitted details and prior to the commencement of their installation, details of the CCTV cameras to include their design, exact siting, angle of direction and operational monitoring shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the agreed details.
(Reason - To demonstrate to the satisfaction of the Local Planning Authority that the CCTV cameras will not impinge upon the privacy and amenities of the occupiers of adjacent properties in accordance with Policy D1 (Design and Local Distinctiveness) of the Adopted East Devon Local Plan 1995-2011.)
18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order amending, replacing or re-enacting that Order), no photovoltaic panels, fences, walls, or other means of enclosure or fixed plant or machinery, buildings, structures other than those expressly authorised by this permission shall be erected within the boundaries of the site.

(Reason - To ensure ancillary development is not harmful to the rural character of the area in accordance with Strategy 7- Development in the Countryside of the East Devon Local Plan 2013-2031).

19. No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:
 - (a) A detailed drainage design based upon the approved Ford oak Solar and Green Infrastructure Facility Flood Risk Assessment and Drainage Strategy a(Report Ref. CRM.2035.001.HY.R.001.B, Rev. -, dated July 2022) together with the detailed design of the proposed drainage for the T junction improvements, transformers and substations.
 - (b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.
 - (d) Proposals for the adoption and maintenance of the permanent surface water drainage system.
 - (e) A plan indicating how exceedance flows will be safely managed at the site. No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (g) above.

(Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed in accordance with policy EN22- Surface Water Implications of New Development of the East Devon Local Plan 2013-2031).

20. In accordance Section 8.5.3 of the Solar Photovoltaic Glint and Glare Study prepared by Pager Power ref 10705A-C dated May 2022, the solar panels in field parcels DC04 and G5 hereby approved shall be installed in accordance with the mitigation and layout optimisation measures/ conclusions listed. These layout optimisation measures shall thereafter remain in place in perpetuity for the lifetime of the development.
(Reason: To protect the occupiers of residential dwellings from unacceptable levels of glint and glare in the interests of residential amenity in accordance with the provisions of policies D1- Design and Local Distinctiveness and EN14- Control of Pollution of the East Devon Local Plan 2013-2031).

Plans relating to this application:

DV5045PD-R1 rev Transport Statement 12.08.22
C

DV5045PD-R2 rev General Correspondence 12.08.22
C :
construction
traffic
management
plan

archaeological trenching evaluation (2097 June 2022)	Archaeological Report	12.08.22
historic environment assessment - addendum (P00100.04.0 1)	General Correspondence	12.08.22
glint + glare assessment addendum (10705 D)	General Correspondence	12.08.22
glint + glare assessment : (10705 A-C)	General Correspondence	12.08.22
TPS FO-001-005 I : proposed construction phase (northern fields)	Other Plans	12.08.22
TPS FO-001-006 I : proposed construction phase (southern fields)	Other Plans	12.08.22
TPS FO-001-007 I : proposed construction phase (eastern fields)	Other Plans	12.08.22
TPS FO-001-008 I : proposed construction plan complete site	Other Plans	12.08.22
DV5045PD-001 G : review of existing local highway network	Other Plans	12.08.22

DV5045PD-002 F :	Other Plans proposed construction routing on local roads	12.08.22
21/3574 01-17:	Other Plans EMMS east (May 2022)	12.08.22
21/3574 01-15 :	Other Plans EMMS north (May 2022)	12.08.22
21/3574 01-16 :	Other Plans EMMS south(May 2022)	12.08.22
TPS FO 001 004	Other Plans REV I : Eastern Fields	20.09.22
DV5045PD-003 D	Other Plans L consturction routing to principal road network	12.08.22
TPS FO 001 001	Other Plans REV I : Complete Site	20.09.22
TPS FO 001 002	Other Plans REV I : Northern Fields	20.09.22
TPS FO 001 003	Other Plans REV I : Southern Fields	20.09.22
DV5045PD-TN01	Other Plans	13.09.22
LOA1001-209 C :	Other Plans substation details	16.05.22
PL.D.010 :	Layout reception site	16.05.22

10705A-C : glint+glare study	General Correspondence	16.05.22
21/3754.01	Ecological Assessment	16.05.22
LOA1001-200.1 C : PV array (2 portrait) details	Other Plans	06.05.22
LOA1001-200.2 C : PV array (3 portrait) details	Other Plans	06.05.22
LOA1001-208 C : transformer details	Other Plans	06.05.22
LOA1001-212 C : spare parts container details	Other Plans	06.05.22
LOA1001-215 C : CCTV details	Other Plans	06.05.22
PL.D.001	Location Plan	06.05.22
PL.D.002 : planning boundary (reception site)	Other Plans	06.05.22
PL.D.003 : planning boundary (main site)	Other Plans	06.05.22
PL.D.004 : field reference	Other Plans	06.05.22

Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved.

Agenda Item 9

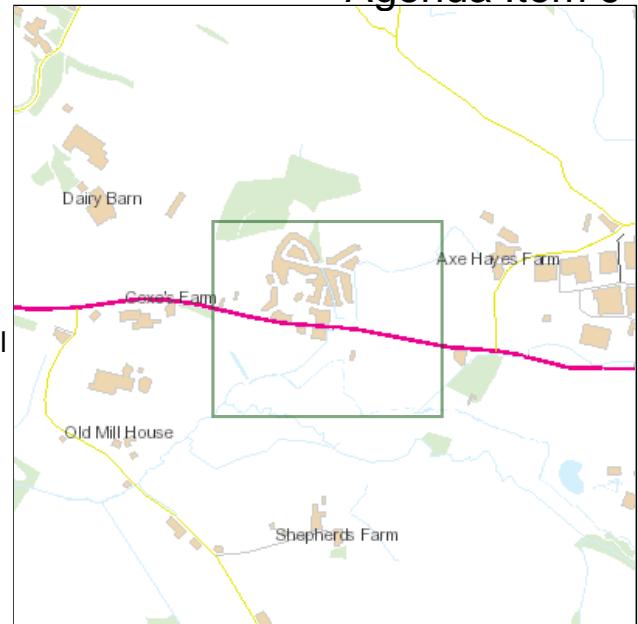
Ward Clyst Valley

Reference 21/3243/MFUL

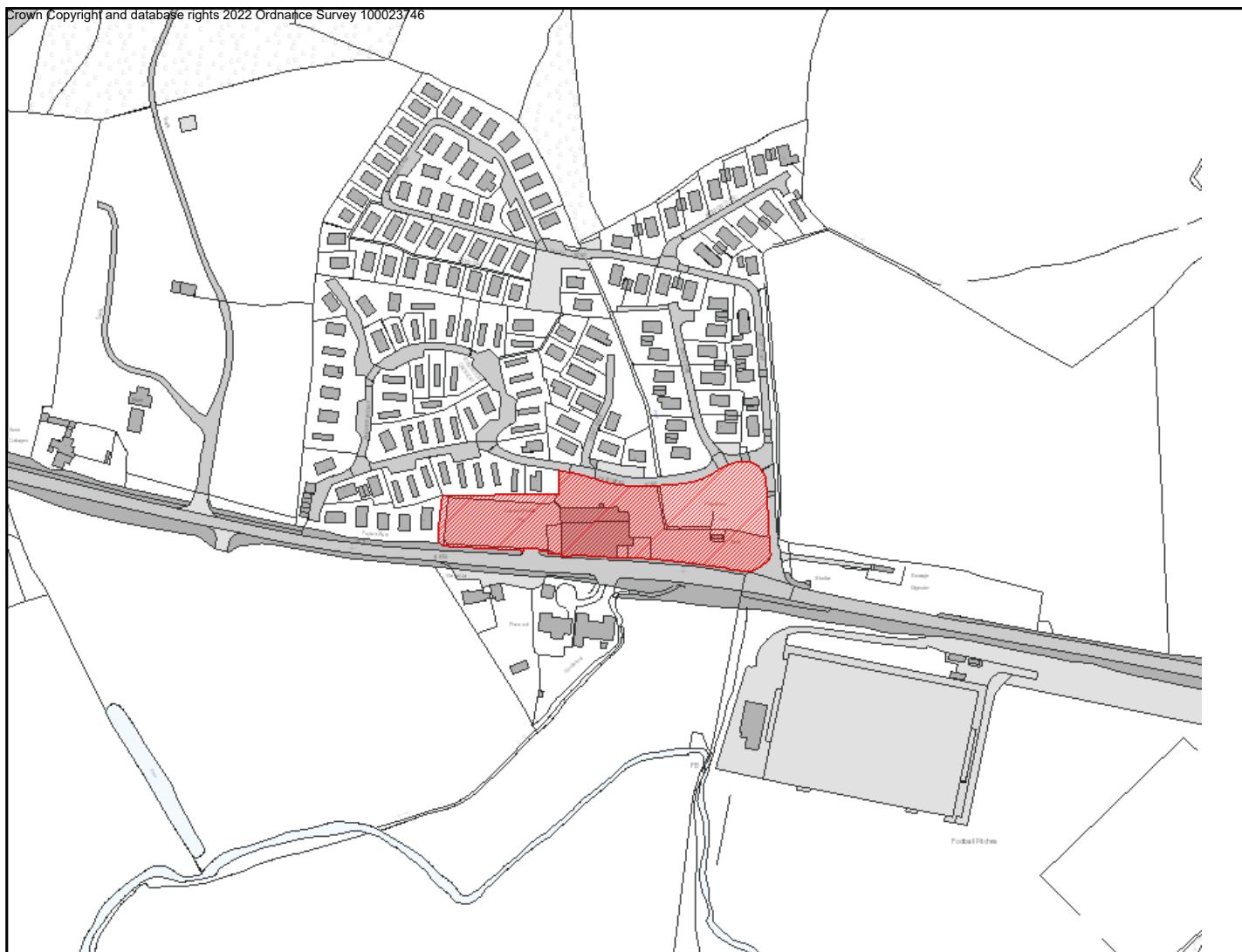
Applicant St Austell Brewery Limited Lewis C/O Agent

Location Cat And Fiddle Inn Sidmouth Road Clyst St Mary Exeter EX5 1DP

Proposal Re-submission of application 17/2336/MFUL full planning permission for the reconfiguration of the existing public house and construction of a two storey, 33No. bed hotel with associated infrastructure in line with the subsequent Variation of Conditions approval (Ref 18/0223/VAR)



RECOMMENDATION: Adopt the included appropriate assessment and Approve the application with conditions



		Committee Date: 25.10.2022
Clyst Valley (Bishops Clyst - Sowton)	21/3243/MFUL	Target Date: 12.07.2022
Applicant:	St Austell Brewery Limited Lewis C/O Agent	
Location:	Cat And Fiddle Inn, Sidmouth Road, Clyst St Mary	
Proposal:	Re-submission of application 17/2336/MFUL full planning permission for the reconfiguration of the existing public house and construction of a two storey, 33No. bed hotel with associated infrastructure in line with the subsequent Variation of Conditions approval (Ref 18/0223/VAR)	

RECOMMENDATION: Adopt the included appropriate assessment and Approve the application with conditions

EXECUTIVE SUMMARY

Members will note that this application is effectively a renewal of previous planning permissions granted for the construction of a two storey 33 no. bed hotel, alterations to public house and re-configuration of car parking approved in January 2018 (ref 17/2336/MFUL). The planning permissions have not been implemented and the timeframes for implementation have now expired. This application is before Members of the Development Management Committee because it is a departure from the Local Plan.

The Cat and Fiddle site is within the open countryside where development should be strictly controlled. Whilst there is support for the promotion of tourism and small scale economic development in the countryside, there are no policies contained within the East Devon Local Plan that would support the proposed hotel development in this location and therefore the principle of the proposed development is considered to be contrary to Strategy 7 (Development in the Countryside) of the Local Plan.

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Notwithstanding the sites location within the countryside, a balance of sustainability has been undertaken in accordance with guidance contained in the National Planning Policy Framework (NPPF).

The application proposal presents a number of clear economic benefits to the District. In this instance the proposed hotel would build upon the existing public house business on the site and in part facilitate its redevelopment to create a better designed destination. Furthermore there are a number of leisure and commercial based activities close to the site that have the potential to create guests to occupy the hotel such as Sandy Park, Westpoint and Crealy. It is important to note that whilst some of these activities are based in Exeter, the visitor spend could be retained within the East Devon District and boost the local economy. It is considered that the tourism and economic benefits from the proposal clearly weigh in favour of the proposed development and should be afforded a significant amount of weight within the overall planning balance.

The application site is on previously developed land which has a semi-urban character and the proposal does not require any further extension or encroachment into the countryside. This weighs in favour of the application and meets the aspirations of national planning policy for encouraging the effective use of land by reusing land that has been previously developed (brownfield land) and that of the Bishops Clyst Neighbourhood Plan. In addition, the site is considered to be in a relatively sustainable location in transportation terms. Whilst it isn't located within a settlement, it can be accessed by a variety of modes of transport including on foot, cycling, car and public transport. There are not considered to be any significant environmental impacts arising from the proposal.

The proposed hotel and refurbishment to the public house are considered to be of a design, size and scale that would not adversely impact on the character and appearance of the area. Whilst the hotel building would have a degree of impact on the occupiers of surrounding residential properties on the adjacent park home site, the scheme has been designed to be cut into the site to reduce its height and therefore its overall physical impact. First floor hotel room windows on the western side of the building have been re-designed to be angled such that views from the windows would be deflected away from no 5 Poplars Walk whose property has a number of primary windows facing towards the site.

The application is considered to be acceptable in terms of impacts on residential amenity, highway safety and parking, its impact on ecology and trees, flood risk and surface water management. Turning to the overall planning balance, the strong economic benefits that the proposal would bring to the local economy and tourism within the District and its lack of environmental and social harm are considered to weigh heavily in favour of the application such that it is recommended for approval.

CONSULTATIONS

Local Consultations

Parish/Town Council

The Parish Council did not object to the original application 17/2336/MFUL following the applicant's positive response to concerns raised by local residents at a public meeting organised by the applicants.

The applicants made a further approach to this Parish Council in Nov 2021 prior to the submission of this renewal application and we did raise with them our concerns about the safety of motorists exiting the Car Park onto the busy main A3052 road.

The A3052 currently has a 50mph speed limit at this point and drivers exiting from the Car Park are faced with fast moving traffic travelling east where the visibility is somewhat limited. We consider the exit from the Car Park to be of real concern, even though this was not the view of the Highway Authority when they were consulted originally.

We fully understand that the applicants have no control over the highway but we consider that planners should be aware of the potential problem. In fact, after much pressure from the Parish Council, DCC HATOC has supported our application to have the speed limit reduced to 40mph from Westpoint to Hill Barton. We are currently awaiting the final decision of Cabinet.

Such a speed reduction would greatly improve the safety of the exit for motorists from the application site.

Other than the concerns expressed regarding road safety we have no objections to this application.

Technical Consultations

DCC Planning

I am contacting you in the County Council's role as the Waste Planning Authority with regard to the above planning application.

Paragraph 8 of the National Planning Policy for Waste and Policy W4 of the Devon Waste Plan requires major development proposals to be accompanied by a Waste Audit Statement. This ensures that waste generated by the development during both its construction and operational phases is managed in accordance with the waste hierarchy, with a clear focus on waste prevention in the first instance. A key part of this will be to consider the potential for on-site reuse of inert material which reduces the generation of waste and subsequent need to export waste off-site for management. It is recommended that these principles are considered by the applicant when finalising the layout, design and levels.

This application is not supported by a Waste Audit Statement and it is therefore recommended that a condition is attached to any consent to require the submission of a statement in advance of the commencement of development.

Devon County Council has published a Waste Management and Infrastructure SPD that provides guidance on the production of Waste Audit Statements. This includes a template set out in Appendix B, a construction, demolition and excavation waste checklist (page 14) and an operational waste checklist (page 17). Following the guidance provided in the SPD will enable the applicant to produce a comprehensive waste audit statement that is in accordance with Policy W4: Waste Prevention of the Devon Waste Plan. This can be found online at: <https://www.devon.gov.uk/planning/planning-policies/minerals-and-waste-policy/supplementary-planning-document>

Please do not hesitate to get in touch should you have any queries in relation to our comments.

Environment Agency – 03.05.2022

Environment Agency position

We object to this planning application because it is not supported by an acceptable Flood Risk Assessment (FRA). The detailed reasons for our position are set out below together with an informative in regarding environmental permitting for the discharge of treated sewage effluent.

Reasons - Flood Risk Assessment

The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance. The FRA that has been submitted was written in 2017 and therefore must be updated to account for updated climate change allowances as set out in National Planning Policy Framework guidance before this application is determined.

The 2017 FRA only mentions climate change allowance and consideration with regard to increases in rainfall and with reference to sustainable drainage systems (SuDS). Increases in peak fluvial flow must also be considered in the FRA and the impact of increase in peak fluvial flow on future flood extents. Information on peak fluvial allowances can be found: Flood risk assessments: climate change allowances - GOV.UK (www.gov.uk)

For this site the increase in peak fluvial flow for the development lifetime of 100 years is 46% (the central allowance). With this in mind the finished floor levels of the new hotel should be 400mm above the 1 in 100 year plus climate change flood event. The minimum finished floor level proposed in the updated FRA should be included on relevant plans and drawings.

There is an ordinary watercourse which crosses the site. Accordingly please note the following:

- o Nothing should be built over the top of the culvert and there should be a 6m easement on either side to ensure any future maintenance of the culvert will be possible.
- o If they haven't been already, Devon County Council Lead Local Flood Authority should be consulted in regard to the SuDS aspect of the planning.
- o Any works to the ordinary watercourse culvert will require a land drainage consent which are processed by Devon County Council Lead Local Flood Authority. Please note that planning permission does not automatically guarantee that a land drainage consent will be forthcoming.

Part of the existing pub is in an area classified as flood zone 3. As part of the refurbishment we recommend that flood resistant and resilience measures are taken forward in the design including raising up electricals from ground level, installing non return valves on inlet and outlets and installing flood doors/barriers.

Overcoming our objection

To overcome our objection, the applicant should submit a revised FRA which addresses the points highlighted above. If this cannot be achieved, we are likely to maintain our objection. Please consult us on any revised FRA submitted and we will respond within 21 days of receiving it.

Advice to applicant - Environmental Permitting

Any non-mains foul drainage system associated with this development will require an Environmental Permit from the Environment Agency under the Environmental Permitting Regulations 2010, unless it satisfies the General Binding Rules for small sewage discharges in England. The General Binding Rules can be found online at <https://www.gov.uk/government/publications/small-sewage-discharges-in-england-general-binding-rules>.

If the proposed foul discharge will not satisfy the General Binding Rules the applicant is advised to contact our National Permitting Service on 03708 506 506 for further advice and to discuss the issues likely to be raised. You should be aware that the permit may not be granted, particularly if the discharge is located within an area served by a mains sewer. Additional 'Environmental Permitting Guidance' can be accessed online at <https://www.gov.uk/permits-you-need-for-septic-tanks>.

Environment Agency – 29.07.2022

Thank you for re-consulting us on the above planning application.

Environment Agency position

The revised Flood Risk Assessment (FRA) is sufficient to enable us to remove our objection to this proposal. However, we advise that the proposed development will only meet the requirements of the National Planning Policy Framework in relation to flood risk if a condition is included within any permission granted to secure the implementation of the mitigation measures outlined in the FRA. The suggested wording for this condition is set out below, together with advice on flood risk and environmental permitting.

Condition - Flood Risk

The development shall be carried out in accordance with the submitted flood risk assessment (ref Cat and Fiddle Clyst St Mary, 0643, 04/07/22, revision B) and the following mitigation measure details:

- Finished floor levels shall be set no lower than 100.6 metres above Ordnance Datum (AOD)

These mitigation measures shall be fully implemented prior to occupation. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

Advice - Flood Risk

We have reviewed the revised FRA and confirm that the applicant has addressed the points raised in our previous response dated 3 May 2022. Updated climate change allowances have now been taken into account and the 1 in 100 plus climate change flood level has been predicted. This indicates that finished floor levels need to be set at a minimum of 100.6mAOD (this level includes 400mm above the flood level to account for freeboard).

Part of the existing pub is in an area classified as flood zone 3. As part of the refurbishment we recommend that flood resistant and resilience measures are taken forward in the final design, including raising up electricals from ground level, installing non return valves on inlet and outlets and installing flood doors/barriers. Detailed information on flood proofing and mitigation can be found by referring to the CLG free publication 'Improving the Flood Performance of New Buildings'. Please see: http://www.planningportal.gov.uk/uploads/br/flood_performance.pdf

The owners should also, if not already sign up to receive flood alerts and flood warnings from the Environment Agency here: Sign up for flood warnings - GOV.UK (www.gov.uk).

Advice to applicant - Environmental Permitting

Any non-mains foul drainage system associated with this development will require an Environmental Permit from the Environment Agency under the Environmental Permitting Regulations 2010, unless it satisfies the General Binding Rules for small sewage discharges in England. The General Binding Rules can be found online at <https://www.gov.uk/government/publications/small-sewage-discharges-in-england-general-binding-rules>.

If the proposed foul discharge will not satisfy the General Binding Rules the applicant is advised to contact our National Permitting Service on 03708 506 506 for further advice and to discuss the issues likely to be raised. You should be aware that the permit may not be granted, particularly if the discharge is located within an area served by a mains sewer. Additional 'Environmental Permitting Guidance' can be accessed online at <https://www.gov.uk/permits-you-need-for-septic-tanks>.

Please contact us again if you require any further advice.

National Highways

Council's Reference: 21/3243/MFUL

National Highways Ref: 94684

Referring to the notification of a planning application referenced above, comprising the re-submission of application 17/2336/MFUL full planning permission for the reconfiguration of the existing public house and construction of a two storey, 33No. bed hotel with associated infrastructure in line with the subsequent Variation of Conditions approval (Ref 18/0223/VAR), at Cat and Fiddle Inn, Sidmouth Road, Clyst St Mary, Exeter, notice is hereby given that National Highways' formal recommendation is that we:

- a) offer no objection (see reasons at Annex A);

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

1 Where relevant, further information will be provided within Annex A.

National Highways Planning Response (NHPRI 21-09) September 2021

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via transportplanning@dft.gov.uk and may not determine the application until the consultation process is complete.

Annex A National Highways recommended No Objections

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

Highways England was renamed National Highways in August 2021. Prior to April 2015 the organisation was known as the Highways Agency. National Highways is a government owned company responsible for operating, maintaining and improving the SRN.

Statement of Reasons

The application is a re-submission of application 17/2336/MFUL full planning permission for the reconfiguration of the existing public house and construction of a two storey, 33 No. bed hotel with associated infrastructure in line with the subsequent Variation of Conditions approval (Ref 18/0223/VAR), at Cat and Fiddle Inn, Sidmouth Road, Clyst St Mary, Exeter. The site is located approximately 2.1km east of M5 Junction 30 and 2.3km south of the A30.

Approval was previously granted for the same development in January 2018 via permission 17/2336/MFUL and subsequent Variation of Conditions approval (18/0223/VAR) in March 2018, which we understand has now lapsed. National Highways does not appear to have been consulted on application 18/0223/VAR, but offered no objections to application 17/2336/MFUL.

Impact on Strategic Road Network

Based on the scope and scale of development and the proximity of the site from M5 Junction 30 we are satisfied the proposal is unlikely to result in an adverse impact on the safe and efficient operation of the SRN.

Recommendation

National Highways has no objection to application 21/3243/MFUL.

Police Crime Prevention Officer

Thank you on behalf of Devon and Cornwall Police for the opportunity to comment on this application. I have no objection in relation to the proposal however, would like to make the following comments and recommendations, including the consideration of the planning condition below relating to CCTV.

- CCTV should be installed throughout the site. Coverage should include the carparks, entry/exit points, reception areas/lobbies, stairwells, corridors and bar areas etc. If necessary, I would ask that provision of such CCTV is considered as a condition of any planning consent to help deter/detect crime, disorder and anti-social behaviour.
 - A passport for compliance document, including an operational requirement (OR) should be drawn up prior to installation to ensure any system will be fit for purpose.
 - Cameras, wiring and recording or monitoring equipment should be secured.
 - CCTV should be designed in co-ordination with external lighting and landscaping.
 - The CCTV must have a recording format that is acceptable to the Police. Recorded images must be of evidential quality if intended for prosecution.
 - Any CCTV is advised to be installed to BS EN 50132-7:CCTV surveillance systems for use in security applications.
 - CCTV systems may have to be registered with the Information Commissioners Office (ICO) and be compliant with guidelines in respect to Data Protection and Human Rights legislation. Further information is available via www.ico.gov.uk
 - For guidance on the use of CCTV images as legal evidence see also BS 7958:2005 CCTV Management and Operation Code of Practice.
- Ensure that vehicle mitigation measures are in place, particularly in relation to external; terrace areas, in order to prevent deliberate or accidental conflict between vehicles and pedestrians.
- External lighting should comply with BS 5489:2020. For crime prevention measures, lighting should be provided by on building solutions or preferably pole mounted luminaires if possible. Bollard lighting should be minimised and used for demarcation of routes only or supplementary as part of a general design.
- An access control strategy should be implemented within both the hotel and the public house that prevents casual intrusion to staff/private areas, which must be kept secure. There should be a clear distinction between public spaces and private/staff only areas.
- All external doors and accessible windows are advised to be tested and certificated to a nationally recognised security standard suitable for a commercial setting.
- Wayfinding and rule setting signage should be in place to aid the navigation of staff and visitors throughout the site. This should include all entry/exit points and directional information to key areas such as reception etc.
- Consideration should be given to providing staff with secure lockers to store their personal belongings and protect against theft.

South West Water

With reference to the planning application at the above address, the applicant/agent is advised to contact South West Water if they are unable to comply with our requirements as detailed below.

Asset Protection

Please find attached a plan showing the approximate location of a public 300mm trunk water main in the vicinity of the above proposed development. Please note that no development will be permitted within 3.5 metres of the water main. The water main must also be located within a public open space and ground cover should not be substantially altered.

Should the development encroach on the 3.5 metre easement, the water main will need to be diverted at the expense of the applicant.

www.southwestwater.co.uk/developer-services/water-services-and-connections/building-near-water-mains/

Further information regarding the options to divert a public water main can be found on our website via the link below:

www.southwestwater.co.uk/developer-services/water-services-and-connections/diversion-of-water-mains/

If further assistance is required to establish the exact location of the water main, the applicant/agent should call our Services helpline on 0344 346 1010.

Clean Potable Water

South West Water is able to provide clean potable water services from the existing public water main for the above proposal. The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network.

Foul Sewerage Services

South West Water is able to provide foul sewerage services from the existing public foul or combined sewer in the vicinity of the site. The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network.

The applicant can apply to South West Water for clarification of the point of connection for either clean potable water services and/or foul sewerage services. For more information and to download the application form, please visit our website:

www.southwestwater.co.uk/developers

Surface Water Services

The applicant should demonstrate to your LPA that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable (with evidence that the Run-off Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable):

1. Discharge into the ground (infiltration); or where not reasonably practicable,
2. Discharge to a surface waterbody; or where not reasonably practicable,
3. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable,

4. Discharge to a combined sewer.(Subject to Sewerage Undertaker carrying out capacity evaluation)

Having reviewed the applicant's current information as to proposed surface water disposal for its development, please note that method proposed to discharge into the ground (infiltration) is acceptable and meets with the Run-off Destination Hierarchy.

I trust this clarifies the water and drainage material planning considerations for your LPA, however, if you have any questions or queries, please contact the Planning Team on 01392 442836 or via email:
DeveloperServicesPlanning@southwestwater.co.uk.

Other Representations

PLANNING HISTORY

Reference	Description	Decision	Date
18/0223/VAR	Variation of condition 3 (materials), 6 (landscaping), 7 (surface water drainage), 10 and 11 (tree details) of application 17/2336/MFUL (construction of 33 no. bed hotel, alterations to public house and re-configuration of parking) to allow details to be submitted once slab (or above ground level) has been reached.	Approval with conditions	13.03.2018
17/2336/MFUL	Construction of two storey 33 no. bed hotel, alterations to public house and re-configuration of car parking	Approval with conditions	10.01.2018
99/P0877	Erection Of Motel	Approval with conditions	19.07.2000
82/P0852	Car Park To Accommodate Overflow.	Approval with conditions	07.09.1982

91/P1981	Extension To Provide Skittle Alley Bar & Family Room Extension.	Approval with conditions	03.02.1992
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POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 1 (Spatial Strategy for Development in East Devon)

Strategy 3 (Sustainable Development)

Strategy 5B (Sustainable Transport)

Strategy 7 (Development in the Countryside)

Strategy 33 (Promotion of Tourism in East Devon)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN21 (River and Coastal Flooding)

EN22 (Surface Run-Off Implications of New Development)

EN5 (Wildlife Habitats and Features)

EN14 (Control of Pollution)

E16 (Proposals for Holiday or Overnight Accommodation and Associated Facilities)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Bishops Clyst Neighbourhood Plan (Made)

Policy BiC13- Business Development

Government Planning Documents

NPPF (National Planning Policy Framework 2021)

Government Planning Documents

National Planning Practice Guidance

Site Location and Description

The site comprises the Cat and Fiddle Public House and the associated parking and garden area. It is located to the north of the A3052 approximately 1 mile to the east of the village of Clyst St Mary. To the north and west of the site is an existing residential mobile home park which is accessed from a road to the immediate east of the site. There are a small cluster of residential properties to the south of the A3052 together with the Exeter City Training Grounds with open countryside beyond this.

The original public house occupies a position immediately to the north of the pavement which extends along the frontage of the road, with various additions to the original fabric, including a restaurant area and skittle/games room having been added over the years. A large open car park, accessed directly from the main road lies to west, with further parking and play area/garden to the east.

The site is located in the countryside and no national or local landscape designations apply. The eastern section of the site is designated as flood zone 2 and 3.

Planning History

Members will recall that planning permission for the construction of a two storey 33 no. bed hotel, alterations to public house and re-configuration of car parking was approved in January 2018 (ref 17/2336/MFUL). A further planning permission was granted in 2018 (ref 18/0223/VAR) to allow details for conditions to be submitted once slab (or above ground level) has been reached. These planning permissions have not been implemented and the timeframes for implementation have now expired.

Proposed Development

This application is a resubmission of the expired planning permission and seeks approval for the refurbishment and reconfiguration of the existing public house and the construction of a new two storey hotel building within the western car park which would accommodate 33 bedrooms arranged over two floors.

The refurbishment of the public house would see a reduction in the size and footprint of the building and reconfiguration of its layout to enable the creation of a new carvery, an indoor children's play area and a larger restaurant dining area. The refurbished pub would have 240 covers. External alterations to the pub include the addition of shallow pitched roofs to flat roofed elements of the building, new entrance porches to the east and west elevations and a general upgrading of the building.

The hotel building would accommodate 33 bedrooms arranged over two floors. It would cover most of the existing car park on the western side of the site with the displaced parking proposed to the east of the site. A total of 154 spaces, including 5 disabled spaces are proposed which would be served from the existing vehicular entrance onto the A3052.

The hotel building would have a variety of hipped and gabled roof forms and would front onto the A3052. It would be constructed from a variety of materials including

Cedral cladding, render and random stone walls, slate roof tiles with oak feature columns supporting single storey canopies wrapping around the building.

Issues and Assessment

The main issues to consider in determining this application are in terms of the principle of development, an assessment of the social, economic and environmental benefits of the proposal, the design, size and siting of the proposed hotel and the alterations and additions to the public house and the impact on the character and appearance of the area, the impact on the residential amenities of the occupiers of surrounding properties, parking and highway safety, flood risk and surface water management and the impact on trees and ecology.

Members should note that the application is identical to the previously approved schemes for the site and therefore it is also necessary to determine whether there have been any change in policy or material circumstances which would result in a different officer recommendation for the application.

Since approval of the previous applications, the Bishops Clyst Neighbourhood Plan has been 'made' and therefore the policies within the Neighbourhood Plan carry full weight alongside the East Devon Local Plan.

ANALYSIS

Principle:

The site is located within the open countryside defined as all those parts of the plan area that are outside the Built-up Area Boundaries and outside of site specific allocations. Strategy 7 (Development in the Countryside) of the Local Plan states that development in the countryside will be permitted where it is in accordance with a specific Local or Neighbourhood Plan Policy that explicitly permits such development and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located.

Strategy 33 (Promotion of Tourism in East Devon) states that the Council will support and facilitate high quality tourism in East Devon that promotes a year round industry that is responsive to changing visitor demands. Tourism growth should be sustainable and should not damage the natural assets of the District but aim to attract new tourism related businesses that can complement the high quality environment of East Devon.

Support for new hotel development is offered by Policy E16 (Proposals for Holiday or Overnight Accommodation and Associated Facilities) of the Local Plan within sustainable locations and identifies the towns and villages, as defined by those settlements with Built-up Area Boundaries where the proposed development is compatible with its surroundings and where there are no adverse amenity impacts as being appropriate locations. Paragraph 24.25 of the Local Plan makes it clear that the only exception to the above will apply in respect of the re-use and conversion of existing buildings in the open countryside and particularly as related to small-scale farm and rural diversification.

Accordingly, there are no policies contained in the East Devon Local Plan that would support the proposed development and therefore the principle of the proposed development is considered to be contrary to Strategy 7 of the plan. The proposal does not therefore accord with the Development Plan and as such the application has been advertised as a departure.

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Bishops Clyst Neighbourhood Plan:

The Bishops Clyst Neighbourhood Plan was made in March 2017 and the Cat and Fiddle Inn falls within the defined Neighbourhood Plan Area. Policy BiC13- Business Development of the Neighbourhood Plan states that the following types of business/commercial development will be supported

- a) The conversion of existing buildings and the small-scale expansion of existing employment premises in the Neighbourhood Plan Area
- b) Small-scale new build development on the business park areas listed below (as identified on Map 6) and on brownfield sites.

The policy continues to state that all business/commercial development should respect the character of its surroundings by way of its scale and design, not harm the surrounding landscape, and safeguard residential amenity and road safety.

Sustainable Development:

National planning policy is contained in the National Planning Policy Framework (NPPF) and the accompanying web based guidance (NPPG) both of which are material planning considerations. With sustainability at the heart of the NPPF, it is considered appropriate to test the proposed development against the three strands of sustainability; economic, social and environmental.

Economic:

The economic dimension of sustainable development is concerned with contributing to building a strong, responsive and competitive economy by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity.

This is reflected in paragraph 84 of the NPPF which states that to promote a strong rural economy, Local Plans should 'support the sustainable growth and expansion of all types of business in rural areas both through the re-use of existing and well-designed new buildings. Part of the emphasis of the policy is to support rural tourism and leisure developments that benefits businesses in rural areas, communities and visitors and which respect the character of the countryside.'

To provide an assessment of the economic benefits of the proposal it is necessary to explain that it is the intention of St Austell Brewery to refurbish and extend the public

house and to run the 33 bedroom hotel in tandem with the public house. The proposed hotel would be arranged over two floors with a separate reception area away from the pub and restaurant facilities. Hotel guests would use the pub and restaurant facilities for breakfast and other meals. The intention is for the brewery to control and operate the pub/ restaurant and hotel accommodation as a single business.

The refurbishment of the public house development of the hotel would bring a range of economic benefits to the District as identified within the Economic benefits Report which include construction jobs, permanent full and part time jobs, training opportunities, increased local spend. The proposals would help to boost the local economy and tourism by providing accommodation for both business visitors and tourists.

The report identifies the construction phase of development to create 46 construction jobs on the site over a 10 month period. When operational the hotel and pub would support a mix of 60 full and part time hospitality and catering sector jobs (an uplift in FTE jobs by 32.5 to 42.5 persons employed). The report also suggests that the hotel and public house based on the Brewery's predicted occupancy levels of 16,000 visitors a year could generate approximately £1.48 million in visitor spending.

Whilst the Council's Economic Development Officer has not commented on this application, the previous comments of the EDO are still considered to be relevant where it was advised that historically, East Devon has endured a significant under provision of hotel accommodation in the District. The Economic Benefits Report notes the low level of existing hotel accommodation to suit both tourism and business visitors. The EDO has advised that the proposal for a 33 bed 3* hotel will 1) help address this under supply by improving local provision, and 2) help diversify the District's existing accommodation offer.

It was previously considered that the proposals to refurbish and extend the public house when run in tandem with the proposed hotel would bring a range of economic benefits to the District and this has not changed. In this instance the proposed hotel would build upon the existing public house business on the site and in part facilitate its redevelopment to create a better designed destination. For this reason it is considered necessary and reasonable to impose a condition requiring the hotel and public house to be operated as one business. Furthermore there are a number of leisure and commercial based activities close to the site that have the potential to create guests to occupy the hotel such as Sandy Park, Westpoint and Crealy. It is important to note that whilst some of these activities are based in Exeter, the visitor spend could be retained within the East Devon District and boost the local economy.

The Council's EDO was previously supportive of a proposal which will clearly boost the local economy by providing accommodation to business visitors and tourists. The recent adoption of the Tourism Strategy and the objectives within it around tourism accommodation and the food and drink sector further support the proposal. Officer's remain of the opinion that the tourism, employment and economic benefits from the proposal clearly weigh in favour of the proposed development and that this should be afforded a significant amount of weight within the overall planning balance.

Social:

The NPPF defines the social role as supporting strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.

Whilst the social benefits of this particular proposal are more difficult to quantify, the proposal would promote social well-being through a new and improved facility likely to benefit the local population as well as visitors to East Devon.

Environmental:

Notwithstanding the site's location in the open countryside, the application site is on previously developed land which has a semi-urban character and the proposal does not require any further extension or encroachment into the countryside. This weighs in favour of the application and meets the aspirations of national planning policy for encouraging the effective use of land by reusing land that has been previously developed (brownfield land) and that of policy BiC13- Business Development of the Bishops Clyst Neighbourhood Plan.

In addition, the site is considered to be in a relatively sustainable location in transportation terms. Whilst it isn't located within a settlement, it can be accessed by a variety of modes of transport including on foot, cycling, car and public transport. Indeed there are bus stops in both directions on the A3025 which have shelters and footway provision linking them to the application site. Being accessed off the A3052, it is also along a route which is likely to attract passing customers and trade.

Notwithstanding the requirement to fully appraise the design, size and siting of the proposal and assess the impact of the development on the character and appearance of the area, it is not considered that the proposals would give rise to any significant environmental concerns which weighs in favour of the proposal.

Character and Appearance:

The site is not within an area which has any particular landscape designations or protection policies and is not considered to be of any particular landscape value. It is also recognised that the site is previously developed land, much of which is currently hard surfaced. Whilst this is the case, the construction of a new two storey hotel building and the hard surfacing of the remaining areas of green space would inevitably result in an increased urbanisation of the site which would have an additional impact on the character and appearance of the area.

Policy D1 (Design and Local Distinctiveness) of the Local Plan requires proposals to respect the key characteristics and special qualities of the area in which the development is proposed and to ensure that the scale, massing, density, height, fenestration and materials of buildings relate well to their context.

Hotel Design:

The proposed hotel would be two stories occupying a prominent roadside position to the west of the existing vehicular access alongside the A3052. The building would have a mixed hipped roof and gabled design and would be constructed from a palette of materials which include smooth render, random stone and Cedar clad walls under a slate roof. Part of the northern elevation would be broken up with the use of Oak feature columns and through the recessed central element of the building.

It is accepted that the visual amenity of the site would change because the western side of the site is currently open as a car park with no structures within it. Whilst this would be the case, the proposed hotel building would make use of the existing topography within the car park which has a natural gradient falling from west to east. The submitted section drawings demonstrate how the hotel would be cut into the slope of the car park to help reduce the overall height and mass of the building and ensure that it does not appear unduly prominent or intrusive when read against the public house from public views outside of the site.

Subject to a condition requiring the submission of material samples and finishes, it is considered that the design and form of the proposed hotel building would be of a good quality design which would be sympathetic to the character and appearance of the area and read in the context of the existing public house. The proposal is considered to comply with the provisions of policy D1 of the Local Plan and is supported on this basis.

Alterations to the Public House:

The refurbishment of the existing pub would see the removal of part of an extensive flat roofed area and the overall appearance of the building would be improved through the introduction of a series of shallow pitched roofs. Overall the changes to the public house are considered to be relatively minor in the context of the site and the existing buildings enhancing the appearance of the public house and are not considered to have any harmful impact on the character and appearance of the building or the surrounding area.

Residential Amenity:

One of the core principles of the NPPF is to seek a good standard of amenity for all existing and future occupants of land and buildings. Policy D1 (Design and Local Distinctiveness) of the Local Plan states that proposals will only be permitted where they do not adversely affect the amenity of occupiers of adjoining residential properties.

The northern and western boundaries of the site are surrounded by park homes and their gardens which abut the site. The physical impact of the proposal, particularly in respect of the impact on amenity arising from the physical presence and close proximity of the proposed building to the boundaries of the site (north and west) and the impact which this would have on the residential amenity of the occupiers of the park homes abutting the site is considered to be a key issue in relation to an assessment of the impacts on outlook and privacy, visual intrusion, and additional noise and disturbance.

It should be explained that owing to the flood risk constraints of the site and the policy requirement for a sequential approach to new development to be undertaken to ensure development is steered to areas less at risk of flooding, land to the west of the public house was the only feasible location for the hotel in flood risk terms being located in flood zone 1. In designing and siting the hotel building on the existing car park, the applicant has acknowledged the relationship between the proposal and the residential properties on the northern and western boundaries in an attempt to ensure that the impact on residential amenity is minimised.

There is no doubt that the introduction of a two storey hotel building on an area of the site which is currently open and free from built development, would have a degree of impact on the residential amenity of the occupiers of the park homes to the north and west of the site. On the northern side of the site, the gardens of the park homes abut the site and the park homes themselves present their rear elevations to the site. It is pertinent to note that the majority of these park homes (with the exception of one property) present blank gable ends onto the site.

In designing the proposed hotel building the applicants have acknowledged the relationship between the site and the park homes and their gardens and have sought to reduce the overall impact of the development in a number of ways. Firstly the hotel would be cut into the site by 1.5 metres at its highest point. The section drawings submitted with the application demonstrate how the building would make use of the natural slope of the site and by lowering the building 1.5 metres into the site would significantly reduce the overall height, bulk and scale of the building thus reducing its physical impact on the occupiers of adjacent properties. This coupled with the fact that the hotel building would be set back from the northern boundary at its nearest point by 7.0 metres would ensure that the physical impact on residential amenity would not be sufficiently harmful in terms of being unduly over bearing, over dominant or through loss of light to sustain an objection.

Concerns about overlooking from first floor windows of the hotel on the northern elevation are also noted. The submitted drawings show there would be 7 first floor bedroom windows facing towards the northern boundary and it is accepted that this would have a degree of impact on the occupiers of the park homes and their gardens facing the site. Whilst this would be the case, cutting the building into the site would help to reduce its height which in turn would reduce the height of the first floor windows. Whilst they would still be visible from the gardens of the park homes to the north, the section drawing demonstrates that actual views from these windows (based on a height of 1.7 m above the proposed finished floor level) would be towards the boundary fence and planting. Whilst views may be afforded into the side gardens of the park homes, these gardens are currently open from within the park home site due to its open plan layout and do not currently benefit from having private amenity spaces which are closed from public views.

Having regard for the fact that the first floor windows would serve hotel bedroom rooms which would not be in use at all times of the day, the frequency and nature of the use, coupled with the distance from the boundary and cutting the building 1.5 metres into the site and the proposed landscaping of the boundaries, the existing levels of amenity and privacy between the park homes and their gardens, it is not considered that the

impact from the proposed hotel windows in terms of overlooking and loss of privacy would be sufficiently harmful to refuse the application.

One park home (no 5 Poplars Walk) is located to the west of the site and in contrast to the park homes on the northern side, the principal elevation of this property faces towards the site with a dining room and bedroom window on its eastern elevation. The proposal as originally submitted contained 5 hotel bedroom windows at first floor on the western elevation which would, in the opinion of officers, have resulted in an unacceptable relationship leading to overlooking and loss of privacy. To address these concerns all of the first floor windows on the western elevation of the hotel have been re-designed with angled windows which would ensure that views out of the windows would be deflected away from no 5 which would ensure that impacts arising from overlooking and loss of privacy are minimised to an acceptable level.

Concerns about noise and disturbance from car doors slamming and customers leaving the public house are noted. However this is an existing situation arising from the current land use which is unlikely to increase or change as a result of this proposal. Furthermore, there would also be some gain to the amenity of park homes to the north through the removal of a number of existing car parking spaces which would be replaced by a grass bank and soft landscaping which would see the removal of activity from this part of the site. In addition, the hotel building would also provide a degree of acoustic screening for noise generated by traffic on the A3052 which has been identified with the noise report as the dominate noise sources in the area. A condition is also recommended to ensure that deliveries of laundry and sundry supplies are limited to between the hours of 07:00 and 19:00 and for the submission of an external lighting scheme to be submitted prior to its installation.

Concerns raised about noise, dust and disturbance during construction are also noted however these concerns can be addressed through the imposition of a condition requiring the submission of a Construction Environment Management Plan (CEMP) as suggested by the Council's Environmental Health Officer.

On balance, the proposal is considered to comply with the provisions of policy D1 which seeks to ensure that proposals do not adversely affect residential amenity of existing residents and policy EN14 (Control of Pollution). The application is therefore supported on this basis.

Highway Safety and Parking Provision:

The application is accompanied by a Transport Statement prepared by Gregg Consulting. This document has been considered by both National Highways and the County Highway Authority who raised no highway objections to the previous applications.

National Highways have again advised that they are satisfied that the development is unlikely to result in a severe impact on the Strategic Road Network, specifically M5 junction 30, as defined by the NPPF and have no objections to the proposed development.

The proposal would utilise the existing vehicular entrance into the site positioned between the proposed hotel and the existing public house. The suitability of the existing access and the increase in traffic movements onto the A3052 from the proposal has been assessed by the County Highway Authority who have advised that the proposed access onto the A3052 has sufficient visibility and the road being an A-class road has sufficient capacity for the additional vehicle movements likely to be generated by the proposal. In the absence of any objections from the County Highway Authority, it is considered that the proposal complies with the provisions of Policy TC7 (Adequacy of Road Network and Site Access) of the Local Plan.

Parking spaces lost from the western side of the site would be replaced on the eastern side where there is an existing children's play area. It is considered that the proposal makes adequate provision for car parking with the site for both the hotel and public house and whilst some of these proposed spaces have been removed from the scheme to allow for a better relationship and to lessen the impact on existing trees and vegetation and for proposed planting to establish, it is considered that the proposal complies with the provisions of policy TC9 (Parking Provision in New Development) of the Local Plan.

Flood Risk:

The eastern side of the site is located within the flood zone (2 and 3) and the Environment Agency and the County Council's Flood Risk Management Team have considered the proposals in detail. Officers are satisfied that a sequential approach has been taken in terms of the layout of development with the hotel building located within the low probability Flood Zone 1 and the car parking within the high probability Flood Zone 3.

Following the submission of a revised FRA, the EA have removed their original objection to the application on the basis that updated climate change allowances have now been taken into account and the 1 in 100 plus climate change flood level has been predicted. The FRA indicates that finished floor levels need to be set at a minimum of 100.6mAOD (this level includes 400mm above the flood level to account for freeboard).

Part of the existing pub is in an area classified as flood zone 3. As part of the refurbishment the EA recommend that flood resistant and resilience measures are taken forward in the final design, including raising up electrical points from ground level, installing non return valves on inlet and outlets and installing flood doors/barriers.

The EA have advised that the revised Flood Risk Assessment (FRA) is sufficient to enable them to remove their objection to this proposal. However, they advise that the proposed development will only meet the requirements of the National Planning Policy Framework in relation to flood risk if a condition is included within any permission granted to secure the implementation of the mitigation measures outlined in the FRA.

Whilst no comments have been received from the County Council's Flood Risk Management Team, as previously assessed the design of the permeable paving for the parking would provide betterment over the current surface water regime of the site and the proposed permeable paving for the car parking spaces on the eastern side of

the site would also provide water quality benefits to the receiving watercourse. In addition, the proposal to day-light the existing culvert entrance would provide wider flood risk management benefits.

Subject to a condition requiring the submission of a detailed design for the proposed surface water drainage management system and the conditions suggested by the EA which requires the development to be carried out in accordance with the submitted flood risk assessment and the mitigation measures it details, in the absence of any objections from the EA or DCC it is considered that the proposal would comply with the provisions of Policy EN22 (Surface Run-Off Implications of New Development) of the Local Plan and policy BiC04 (minimising Flood Risk) of the Bishops Clyst Neighbourhood Plan.

Ecological Impact:

No ecological impacts were identified in the assessment of the previous application and this application is accompanied by an updated Ecological survey prepared by Devon Wildlife Consultants which concludes:

- o The public house and trees on the site do not support roosting bats.
- o No evidence of nesting birds was noted within the buildings however there are opportunities for crevice nesting birds to utilise the structure.

Subject to a condition requiring the development to be carried out in accordance with the impacts and recommendations and Conservation Action Statement of the wildlife report which includes the installation of a number of bat and bird boxes onto retained mature trees within the site, it is not considered that the proposal would have any adverse impacts on ecology or protected species and that the proposal complies with the provisions of policy EN5 (Wildlife Habitats and Features) of the Local Plan and policy BiC01- Protecting and Enhancing Geodiversity, Biodiversity and Wildlife of the Bishops Clyst Neighbourhood Plan.

Arboricultural Impact:

No arboricultural concerns were identified in the assessment of the previous application. There are a number of semi-mature trees within the site which are proposed to be retained as part of the proposal. The most significant change to the site would be the removal of a number of Poplar trees which line the site's northern and western boundaries. These trees are tall and have a vertical emphasis and do not make much of a positive contribution to the visual amenity of the site. In addition it is understood that these trees are a nuisance to residents of the park home site through fears of safety in high winds and high levels of maintenance.

Whilst there is no arboricultural report in accordance with BS5837:2012 submitted to support the application or any details as to how damage to retained trees would be avoided during development, the Council's tree officer previously advised that the principle of the proposal is acceptable from an arboricultural perspective. There are however a number of issues that will need to be addressed with regards to existing and proposed trees to ensure the retained trees survive development, their new environment and that new tree plantings are successful. It is considered that these

issues can be conditioned in so far as they relate to the submission of a tree protection plan, an Arboricultural Method Statement for the removal of existing hard surfaces and installation of new hard surfaces and location and specification of tree protection fencing.

The application is considered to comply with the provisions of Policy D3 (Trees and Development Sites) of the East Devon Local Plan and policy BiC02- Protecting Trees and Woodlands of the Bishops Clyst Neighbourhood Plan.

Appropriate Assessment:

Natural England has advised that an Appropriate Assessment must be carried out as the site lies within close proximity of the Exe Estuary and Pebblebed Heaths, this assessment must consider whether the proposal will adequately mitigate any likely significant effects of the aforementioned areas. This report represents the Appropriate Assessment.

The delivery of SANGS is critical within East Devon, Exeter and Teignbridge; they are required to deliver a genuine alternative to visiting the Exe Estuary and Pebblebed Heaths for local residents to exercise, walk dogs, etc. The delivery of SANGS in combination with on-site mitigation measures in accordance with the agreed mitigation strategy has been determined to provide adequate mitigation for the recreational impacts of developments within 10km of the protected habitats.

An Appropriate Assessment for the development in accordance with Paragraph 63 (3) of the Conservation of Habitats and Species Regulations 2017 has been prepared and considered by Natural England. NE have advised that, on the basis of the appropriate financial contributions being secured to the South-east Devon European Sites Mitigation Strategy (SEDESMS), that they concur with the authority's conclusion that the proposed development will not have an adverse effect on the integrity of the Exe Estuary SPA and Exe Estuary Ramsar Site and East Devon Pebblebed Heaths SAC and East Devon Heaths SPA.

The application is accompanied by a Unilateral Undertaking as a legal mechanism for securing the habitat mitigation contribution of £367.62 per hotel room.

CONCLUSION

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Cat & Fiddle Inn is within the open countryside where development is controlled unless in accordance with a specific Local or Neighbourhood Plan policy. Whilst there is support for the promotion of tourism and small scale economic development in the countryside, there are no policies contained within the East Devon Local Plan that would support the proposed hotel development in this location and therefore the principle of the proposed development is considered to be contrary to Strategy 7 (Development in the Countryside) of the Local Plan.

In accordance with the NPPF, where proposals are not in accordance with an up to date development plan, there must be clear sustainability benefits to approving

development. In this instance and as previously approved, it has been highlighted that there would be clear economic benefits arising from the proposal which would build upon the existing public house business on the site and in part facilitate its redevelopment to create a better designed destination which would be of benefit to East Devon District and boost the local economy. It is considered that the tourism and economic benefits from the proposal clearly weigh in favour of the proposed development and should be afforded a significant amount of weight within the overall planning balance.

In addition, the application site is on previously developed land which has a semi-urban character and the proposal does not require any further extension or encroachment into the countryside. This weighs in favour of the application and meets the aspirations of national planning policy for encouraging the effective use of land by reusing land that has been previously developed (brownfield land) and that of the Bishops Clyst Neighbourhood Plan. In addition, the site is considered to be in a relatively sustainable location in transportation terms. Whilst it isn't located within a settlement, it can be accessed by a variety of modes of transport including on foot, cycling, car and public transport. There are not considered to be any significant environmental impacts arising from the proposal.

The application has robustly demonstrated that there would be no significant harm to the character and appearance of the area, the amenities of the occupiers of surrounding properties, highway safety, ecology and trees and flood risk such that it is considered that the application should once again be approved.

RECOMMENDATION

- 1. Adopt the Appropriate Assessment attached to this report**
- 2. APPROVE subject to the following conditions:**
 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
 2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
 3. Samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority once slab (or above ground) level has been reached. Development shall be carried out in accordance with the approved details.
(Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

4. The hotel building hereby approved shall only be operated in conjunction with the Cat and Fiddle public house as one business and neither shall be operated independently at any time.

(Reason - To ensure that the economic benefits arising from the proposal are realised in terms of supporting the existing business in an otherwise unsuitable location for a standalone hotel in accordance with Strategy 33 (Promotion of Tourism in East Devon) and the guidance contained within the National Planning Policy Framework.)

5. The hotel building hereby approved shall be constructed in accordance with the finished floor levels and ground levels shown on drawing no's 203 REV J and 204 REV B unless otherwise agreed in writing by the Local Planning Authority.

(Reason - In the interests of the character and appearance of the locality and the residential amenities of the occupiers of adjoining properties in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

6. Notwithstanding the submitted details, a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority once slab (or above ground) level has been reached; such a scheme to include the planting of trees, hedges, shrubs, herbaceous plants and areas to be grassed. The scheme shall also give details of any proposed walls, fences and other boundary treatment. The landscaping scheme shall be carried out in the first planting season after commencement of the development unless otherwise agreed in writing by the Local Planning Authority and shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

(Reason - To ensure that the details are planned and considered at an early stage in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D2 - Landscape Requirements of the Adopted East Devon Local Plan 2013-2031.)

7. Notwithstanding the submitted details, no development shall commence until a surface water drainage management plan for the development during construction has been submitted and approved in writing by the Local Planning Authority. Thereafter, the detailed design of the proposed permanent surface water drainage management system for the development shall be submitted to and approved in writing by the Local Planning Authority once slab (or ground) level has been reached, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the flood risk assessment prepared by AWP (ref Cat and Fiddle Clyst St Mary, 0643, 04/07/22, revision B).

(Reason - To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems in accordance with policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan 2013-2031.)

8. The development shall be carried out in accordance with the submitted flood risk assessment prepared by AWP (ref Cat and Fiddle Clyst St Mary, 0643, 04/07/22, revision B) and the following mitigation measure it details:

- Finished floor levels shall be set no lower than 100.6 metres above Ordnance Datum (AOD)

These mitigation measures shall be fully implemented prior to occupation. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

(Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with policies EN21 (River and Coastal Flooding) and EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan 2013-2031.

9. The development hereby approved shall be carried out in accordance with the Construction and Environment Management Plan dated January 2018, received on the 21st September 2022.

(Reason: To protect the amenities of existing and future residents in the vicinity of the site from noise, air, water and light pollution in accordance with policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031).

10. The development hereby permitted shall be carried out in accordance with the impacts and recommendations and Conservation Action Statement contained within the Ecological Appraisal prepared by Devon Wildlife Consultants (ref 17/3247.03) dated September 2021.

(Reason - In the interests of ecology and bio diversity in accordance with policy EN5 (Wildlife Habitats and Features) of the East Devon Local Plan 2013-2031.)

11. In relation to the cross sectional drawings showing current and proposed surface levels around the three retained trees, the development hereby approved shall be carried out in accordance with the details discharged under condition 10 of planning permission 17/2336/MFUL (drawing 2015 02 D by Liz Lake Associates and reference to the AMS by Bosky Trees dates 09/02/2018) dated 12th March 2018.

(Reason - To ensure the continued wellbeing of retained trees in the interest of the amenity of the locality in accordance with policy D3 (Trees and Development Sites) of the East Devon Local Plan 2013-2031.)

12. A detailed specification for the construction of all tree planting pits, within the hard surfaced areas (as detailed within the approved landscaping plan) shall be submitted to and approved in writing by the Local Planning Authority once slab (or ground) level has been reached. These details shall accord fully with the principles of BS 8545:2014 and demonstrate sufficient soil volume, appropriate to tree for successful tree establishment and long term tree growth, and appropriate to the anticipated mature crown size of the proposed trees. The development shall be carried out in accordance with the approved details.

(Reason: To ensure the long term success on new landscape trees in the interests of the amenity of the locality in accordance with policies D2 (Landscape

Requirements) and D3 (Trees and Development Sites) of the East Devon Local Plan 2013-2031).

13. The development hereby approved shall be carried out in accordance with the tree protection details and measures contained within the Arboricultural Method Statement prepared by Bosky Trees dated 9th March 2018. On completion of the development, the completed site monitoring log shall be signed off by the supervising arboriculturalist and submitted to the Local Planning Authority for approval and final discharge of this condition.
(Reason: To ensure the continued wellbeing of retained trees in the interest of the amenity of the locality in accordance with policy D3 (Trees and Development Sites) of the East Devon Local Plan 2013-2031).
14. No deliveries shall be taken at or despatched from the hotel except between 07:00 hours and 19:00 hours at any time.
(Reason: To protect the amenity of adjoining residents in accordance with policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031).
15. No external lighting shall be installed until a lighting scheme has been submitted to and approved in writing by the local planning authority. The development shall be carried in accordance with the approved details and thereafter retained.
(Reason - In the interests of the character and appearance of the site and surrounding area and the residential amenities of the occupiers of surrounding properties in accordance with policies D1 (Design and Local Distinctiveness) and EN14 (Control of Pollution) of the Adopted East Devon Local Plan 2013-2031.)

Plans relating to this application:

204 B : Hotel	Sections	01.09.22
231 B	Sections	01.09.22
203 J	Proposed Site Plan	01.09.22
211 A	Proposed Floor Plans	01.09.22
221 B	Proposed Elevation	01.09.22
	Protected Species Report	14.12.21
230 rev A	Sections	14.12.21
220 rev B : Public House	Proposed Elevation	14.12.21
212 rev A : Public House	Proposed Floor Plans	14.12.21
210 rev D	Proposed Floor Plans	14.12.21

	Location Plan	25.03.22
Rev B	Flood Risk Assessment	06.07.22

List of Background Papers

Application file, consultations and policy documents referred to in the report.

Ward Dunkeswell And Otterhead

Reference 22/1547/FUL

Applicant Mr Kevin Crudge

Location Turbury Farm Stamps Coaches Dunkeswell
EX14 4QN

Proposal Static Home to provide managers
accommodation.



RECOMMENDATION: Refusal



		Committee Date: 29.11.2022
Dunkeswell And Otterhead (Dunkeswell)	22/1547/FUL	Target Date: 09.09.2022
Applicant:	Mr Kevin Crudge	
Location:	Turbury Farm Stamps Coaches	
Proposal:	Static Home to provide managers accommodation	

RECOMMENDATION: Refusal

Update Report

Background

This application was considered by Members at their consultative meeting of the 30th September 2022. According to the minutes of the meeting Members resolved to recommend approval of the application contrary to officer's recommendation for the following reason:

"Members considered that the coach hire business constitutes a rural enterprise under Policy H4 and should be allowed a temporary dwelling for a 3 year period to meet the needs of the business. Conditions delegated to the Service Lead – Planning Strategy and Development Management in consultation with the Chair of Planning Committee and ward members."

The 30th September meeting was held virtually over zoom and so was held on a consultative basis. Arrangements for these meetings and the delegation of decision making to senior officers had previously been agreed at Council on the 26th July 2021 with those arrangements subsequently extended by senior officer decision on the 10th December 2021 and 4th May 2022. Under the legislation senior officer decisions have to be the decision of the senior officer making it. Regard is clearly had to the views of the committee and in so doing officers have been able to agree the vast majority of the applications presented to Planning Committee in this time in accordance with Members wishes. In this case however senior officers were unable to agree with Members recommendation. As a result no decision on this application has been issued and the matter is brought back for Members to further consider now that meetings have resumed in person such that the committee can now legally make the decision on this matter itself.

Application of Policy H4

In officers opinion the recommendation made by Members on this matter is flawed as it relies on Policy H4 of the adopted Local Plan. Policy H4 relates to dwellings for persons employed in rural businesses. The supporting text to this policy is clear as to

its scope and states that “Rural workers are those people whose place of work is located in, and related to, the countryside, typically comprising farm workers, forestry workers and others involved in rural-based enterprise”.

It is accepted that Stamps Coaches is located in a rural area, however the work that they and their staff undertake is not “related to” the countryside as is required for Policy H4 to be applied. The business is not akin to a farming or forestry enterprise which relies on the countryside to operate. In this case the business could just as easily be located in an urban area. The fact that it can legally operate from this site in the countryside is not in dispute but it cannot be classed as a rural enterprise for the purposes of Policy H4 simply because it has decided to locate itself in the countryside. To apply this interpretation to Policy H4 would be clearly contrary to the NPPF and PPG and if applied consistently would leave the council open to a number of businesses located in rural areas to equally argue a need for a dwelling under Policy H4. The consequence of this could be a number of dwellings in unsustainable locations being granted without suitable justification.

Guidance within the governments Planning Practice Guidance helps to provide further clarity on this issue where it refers to considerations relevant to an application for a home for a rural worker and says that they could include:

“evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise (for instance, where farm animals or agricultural processes require on-site attention 24-hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products)”

It is therefore considered to be clear that the need in this case does not relate to a land based rural-enterprise and there is not policy support within policy H4 of the Local Plan or within the government guidance related to rural workers dwellings to support this application.

Other matters

In Members consideration of this application on the 30th September reference was made to live/work units in the area and Policy LE1 – live-work workspace, of the made Dunkeswell Neighbourhood Plan. It is acknowledged that a number of live/work units have been granted in the area either as conversions of existing buildings or in some cases new builds under Policy LE1. It is not however considered that this policy is applicable in this case. The wording of the policy is clearly referring to proposals where work space and living accommodation are both proposed in the application at the same time. The proposal here is simply for a dwelling. In this case a dwelling on a site where one already exists.

Although it is understood why a further dwelling here is desired by the applicant there is not considered to be any policy support for a further dwelling at the site. Although it would be more convenient for the applicant’s daughter to live at the site this does not form a sound planning reason for granting permission contrary to the policies of the development plan and government guidance.

Appendix 1: Committee report from 30th September 2022

		Committee Date: 30.09.2022
Dunkeswell And Otterhead (Dunkeswell)	22/1547/FUL	Target Date: 09.09.2022
Applicant:	Mr Kevin Crudge	
Location:	Turbury Farm Stamps Coaches	
Proposal:	Static Home to provide managers accommodation	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

This application is before the committee as the view of the officer recommendation differs from that of a ward member.

The site refers to an area of land to the west of Turbury Farm. The site is used for the storage of coaches as part of a business and seeks planning permission for the construction of a dwelling to be used in connection with the business. The current owners are looking to retire and the new dwelling would be for the new managers of the business.

The site is located outside of any built up area boundary, in the open countryside and is not a strategic allocation. Residential development in the countryside is resisted in the Local Plan. Due to its remote and unsustainable location and it is considered that occupiers would not be able to access essential services and facilities required for daily living by any other method of transport other than private motor vehicles. This would be contrary to Strategy 5B, Strategy 7 and Policy TC2 of the East Devon Local Plan.

It is not considered that the dwelling would have a detrimental impact upon the character of the area, residential amenity of neighbouring residents or highways. However, due to the lack of support within the Local Plan it is considered that the caravan is unacceptable in principle and this does not outweigh the relative lack of harm of the dwelling.

Therefore a recommendation of refusal is made.

CONSULTATIONS

Parish/Town Council

There were no objections to this application

Dunkeswell And Otterhead - Cllr David Key

I have no objection to the application and so support.

Blackdown Hills AONB Project Partnership

Static Home to provide managers accommodation

Thank you for seeking observations from the Blackdown Hills AONB Partnership on this application.

I can confirm that we do not wish to comment on this occasion in respect of the AONB; we are content for the planning authority to apply national planning policy and its own development plan policies, including the Dunkeswell Neighbourhood Plan, to this proposal.

Other Representations

No third party representations have been received.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 5B (Sustainable Transport)

Strategy 7 (Development in the Countryside)

D1 (Design and Local Distinctiveness)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Dunkeswell Neighbourhood Plan (Made)

Policy NE1 – Retaining, Conserving and Enhancing the Natural Beauty of our Parish

Policy TA3 – Off-road Parking

Policy TA4 - Vehicular Access and Egress Arrangements

Policy LE1 – Live-work Workspace

Government Planning Documents

NPPF (National Planning Policy Framework 2021)

National Planning Practice Guidance

ANALYSIS

Relevant Planning History

No planning history is relevant to the determination of this application.

Site Location and Description

The site refers to a parcel of land to the west of Turbury Farm. Turbury Farm was previously a farmhouse, however, the site is no longer used for farming. The site is currently used by a coach business which has been at the site since 2004.

The site is located approx. 1 km to the south west of the Highfield estate of Dunkeswell, outside of any built up area boundary. The site is within the Blackdown Hills Area of Outstanding Natural Beauty (AONB) and opposite a County Wildlife Site. The adjacent road, Long Lane, is a classified C road.

Proposed Development

This application seeks planning permission for the change of use of the land for the placement of a static caravan to be used as an independent dwelling. The structure would be single storey and would have three bedrooms, a bathroom, living room and kitchen/diner.

With the proposed covered entrance the structure would be wider than the legal definition of a caravan allowed under the various caravan acts.

The current owners of the business (Mr and Mrs Crudge) plan to reduce their involvement in the running of the business and let their daughter take on a larger role within the company. Therefore, the dwelling is said to be needed as people to remain on site for security purposes and to reduce travelling times between their current residence and the site.

Consideration and Assessment

The main issues for consideration are considered to be:

- Principle of Development
- Impact to the Character and Appearance of the Area including AONB.
- Residential Amenity
- Access and Highways

Principle of Development

The strategic approach set out within the East Devon Local Plan is to direct the majority of new residential development to existing settlements within the district that are considered sustainable. Each town which is considered sustainable is named within the Local Plan whilst other smaller towns and larger villages are also included within Strategy 27 and the adopted Villages Plan DPD. Each sustainable settlement has a designated built up area boundary whereby it is considered that there is a sufficient range of services and facilities needed to meet the everyday needs of residents and reasonable transport connections.

This site is not located within any of these settlements and is considered to be in the open countryside in planning terms. As a result, Strategy 7 applies. This strategy states that only development which accords with a specific local or neighbourhood

Plan Policy shall be permitted and where it does not harm the area's distinctive landscape, amenity and environmental qualities.

Policy H4 of the East Devon Local Plan makes allowances for dwellings for people that work in agricultural, forestry or people employed in rural enterprises or activities. The business is a coach business that provides vehicles for schools and other private hire groups. Although the provision of coach facilities is beneficial for rural communities, it is not considered to be an agricultural, forestry or other rural enterprise or activity as required by policy H4. Therefore, it is considered that the dwelling could not be justified with this policy.

Policy LE1 of the Dunkeswell Neighbourhood Plan allows for the provision of live-work units subject to a number of criteria. This policy is aimed primarily at the industrial estate adjacent to the airfield, although, the policy is not restrictive to the industrial estate. Although the site is not within the industrial estate, it is considered to be in a very separate and remote location which would not relate well to the surrounding area as required by the first criteria. Therefore, it is not considered that this policy would support the proposal.

The mobile home is not considered to be supported by policy H4 and there are no other specific policies within the East Devon Local Plan or the Dunkeswell Neighbourhood Plan which would support additional independent living accommodation outside of a built up area boundary.

Additionally, as the dwelling is located outside of a built up area boundary it is not considered that it would be located in an area that provides the services that meet the needs for everyday living. It is important to note that although the site is only approximately 1km from the Highfield estate this development does not in itself have a BUAB and nor does the main village at Dunkeswell as they were considered not to have a sufficient range of services and facilities to be deemed sustainable and justify a boundary. It is considered that any occupiers of the dwelling would be dependent on private modes of transport in order to access day to day services and facilities. There are no nearby services which can be accessed by walking and there is little public transport within the proximity of the dwelling. This would be contrary to Strategy 5B and Policy TC2 of the East Devon Local Plan.

Therefore it is considered that the principle of residential accommodation is unacceptable and would be contrary to Strategy 5B & 7 and Policy TC2 of the East Devon Local Plan.

Impact to Character and Appearance of the Area

The proposed dwelling is located to the west of the site in an area of land which has its own boundary treatment. The land is adjacent to the existing yard which is used for the storage of vehicles. The main view of the dwelling would be from Long Lane which is approx. 50 metres to the south of the site. From this point of view the dwelling would not be readily visible and would be read alongside the other development nearby. There are no other wider views and subsequently it is considered that the landscape character of the Blackdown Hills AONB would be conserved.

The proposal is therefore considered to comply with Strategy 46 and Policy D1 of the East Devon Local Plan and Policy NE1 of the Dunkeswell Neighbourhood Plan.

Residential Amenity

In regards to residential amenity, the dwelling is located away from any existing dwellings and does not overlook any properties. Therefore the dwelling would not result in a loss of residential amenity in accordance with Policy D1 of the East Devon Local Plan.

Access and Highways

It is shown on the plans that there are two accesses to the site. The first is the existing arrangement which provides access off Long Lane to the south eastern corner of the site. The second access is to the south west of the site. However, historic google streetview images show that this access has been in use for some time and there is no existing hardstanding which would enable this access to be utilised as existing.

In any case the access is considered to provide sufficient visibility splay and space to turn vehicles within the site so that they can re-enter the highway in a forward gear. As a result it is considered that there would not be any highway safety concerns as a result of the proposal in accordance with Policy TC7 of the East Devon Local Plan and Policy TA4 of the Dunkeswell Neighbourhood Plan.

In regards to parking, the site would have two parking spaces, which for a three bedroomed dwelling is considered to comply with Policy TC9 of the East Devon Local Plan and Policy TA3 of the Dunkeswell Neighbourhood Plan.

Conclusion

The dwelling would be located outside of any built up area boundary as defined within the East Devon Local Plan or the Villages DPD. There is no justification for the dwelling that complies with policy within the East Devon Local Plan or the Dunkeswell Neighbourhood Plan and it is considered to be an isolated form off accommodation within the AONB which is not within easy reach of the services and facilities needed for everyday living by other forms of transport other than a private motor vehicle. Therefore the site is in an unsustainable location and is therefore recommended for refusal.

RECOMMENDATION

REFUSE for the following reasons:

1. The application site lies in open countryside outside of any designated Built up Area Boundary or Strategic allocation within the Adopted East Devon Local Plan or Villages Plan and where there are no other Local or Neighbourhood Plan policies that would support the development. Residential development in this location would be unsustainable due to the distance and pedestrian route to access essential services and facilities required for daily living and where, as a

result, future occupiers are likely to rely on the use of private transport for the majority of journeys. As such, and as no essential need has been demonstrated for a residential unit to be located at the site in connection with a rural business, or other justification demonstrated, the proposal would be contrary to the provisions of Strategy 7 (Development in the Countryside) and Policies TC2 (Accessibility of New Development) of the East Devon Local Plan 2013- 2031 and the guidance within the National Planning Policy Framework and accompanying Planning Practice Guidance.

Plans relating to this application:

046/001	Location Plan	12.07.22
046/003	Proposed Site Plan	12.07.22
046/004	Proposed Combined Plans	12.07.22

List of Background Papers

Application file, consultations and policy documents referred to in the report.

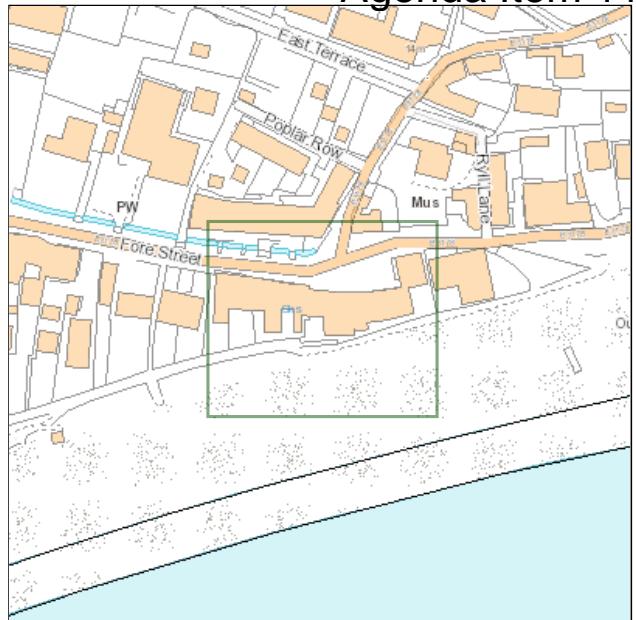
Ward Budleigh And Raleigh

Reference 22/0864/FUL

Applicant Dr Ros Debenham

Location 34 The Creamery Fore Street Budleigh Salterton Devon EX9 6NH

Proposal Conversion of Fore Street No 34 and No 34A to a single 5 x bed dwelling house with a single storey rear extension and reduction of stone wall, installation of passenger lift and alterations to fenestration.



RECOMMENDATION: Refusal



		Committee Date: 29.11.22
Budleigh And Raleigh (Budleigh Salterton)	22/0864/FUL	Target Date: 18.07.2022
Applicant:	Dr Ros Debenham	
Location:	34 The Creamery Fore Street	
Proposal:	Conversion of Fore Street No 34 and No 34A to a single 5 x bed dwelling house with a single storey rear extension and reduction of stone wall, installation of passenger lift and alterations to fenestration.	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

This application is before members as the officer recommendation differs from the view of a Local Ward Member.

The application seeks permission to convert 34 and 34a Fore Street into a single dwelling whilst making various external alterations to the front and rear. The existing commercial unit is to be retained at ground floor level albeit with a reduced floor area owing to the loss of a store room. An entrance door would be relocated on the principal elevation replacing an existing window with a pair of timber doors.

The most notable exterior alterations relate to the rear of the property on the southern elevation. The existing two storey rear gable end would be extended to provide a second floor balcony. The three storey extension would be largely clad in dark timber boarding at first and second floor level with stone cladding at ground floor level. A series of timber windows are shown to be provided some of which are new and others are replacements. A single storey extension would also be constructed to provide a sun room with the rear stone wall being reduced in height to provide line of sight down to the beach.

Initial concerns were raised by the Local Authority's conservation officer over the development's impact on the character of the existing building and the appearance of the Budleigh Salterton Conservation Area. These were relayed to the applicant who amended the scheme with revised drawings, these are dated the 10.10.22.

With regards to the principal elevation, it is accepted that the awkward spacing and scale of the existing doors do not make a positive contribution to the principal elevation. As such, the proposals as communicated on DWNG 3_100005, that show the retention of the existing fan light above a pair of decorative timber doors and to replace the existing single door with a timber sash window has the potential to provide some minor benefits to the character of the façade and wider Conservation Area.

The alterations to the rear boundary wall that runs parallel to the adjacent coastal footpath would integrate a ‘transitional zone’ to replicate the form of the wall that encloses the rear of The Old Clink. The single storey extension to provide the sun room is modest in scale and considered to be of minimal concern.

However there are outstanding concerns to the alterations to the south elevation’s fenestration and addition of the second floor balcony. The plans communicate the provision of three consecutive traditional sash windows at second floor level to serve the kitchen and living space with a southerly outlook. Despite the use of timber being considered an improvement on the plastic counterparts, the subsequent impact of the additional window here undermines the prevailing character of the rear elevation where windows are consistently spaced apart and vertically aligned. Owing to the prominence of the rear elevation in public views on the beach and coastal footpath it is considered that this loss of character would be visible and therefore harm can be attributed here.

Additionally the proposed balcony extension to the application building would significantly increase the scale and bulk of the existing rear extension. The chosen palette of materials which include the use of timber cladding, stone walling and coreten steel panels, whilst contrasting with the prevailing use of painted render, is considered acceptable. However, the overall form, mass and extent of the balcony structure lacks subservience, physically dominates the adjacent listed building and fails to respond to local context.

The subsequent impact on the adjacent listed building and conservation area is considered to be less than substantial. Policy E9 (Development Affecting a Designated Heritage Asset) and Paragraph 202 require any harm to the heritage asset to be weighed against the public benefits. Whilst some benefits to prospective occupiers have been highlighted due to improved internal access through provision of the internal stair lift and raising of the floor level of the second floor rear wing, these are considered to have limited weight and are not wider public benefits.

Overall, with regards to the balancing exercise required by paragraph 202 of the NPPF and Policy EN9 (Development Affecting a Designated Heritage Asset) of the Local Plan, the identified harm, albeit less than substantial, is not considered to be outweighed by any public benefit. As such the application is considered unacceptable and therefore recommended for refusal.

CONSULTATIONS

Technical Consultations

Local Consultations

Parish/Town Council

This Council supports the application

Councillor Tom Wright

Email in response to the application going before Chair Delegation (13/10/2022).

Thank you for sight of this report. I agree with the concerns about the front, north facing aspect. This has many, interesting, attractive and unusual architectural features and should not be altered. I totally agree about the curved window and double door.

However I hand no adverse comments about the rear plans. At the moment the southern aspect is just about the ugliest slab of rendering imaginable. It is a feature that many of the properties have balconies, overlooking windows which are feature of beach fronted properties anywhere. I also have no problem with the change to the wall.

These are my views but I do think there will be any benefit in attending the meeting.

Conservation

These comments are based on an assessment of the impact of the proposal on the significance of the conservation area and setting of adjacent listed buildings.

There are as follows;

This building is one of the, if not the most, significant buildings in the conservation area. This is by virtue of not only by its height, with its architectural features such as the decorative gables looking down on the surrounding buildings, but also by virtue of its architectural interest and quality of materials. The conservation area appraisal specifically highlights the very high quality carved brickwork in the principle elevation. This is also evidenced in the Devon Historic Environment Record as being carved by visiting Italian craftsmen. The architectural detail is very fine and all should be sympathetically conserved.

Ground floor principle elevation (and shop front) - there is a gradual erosion or rather potential permanent loss of traditional features such as the arched window display and traditional shop window stall risers. The proposal changes to the curved shop window (with decorative fanlight), to another door. This creates a cumulative negative impact due to the unusually excessive number of doors on this shop front. It is strongly recommended that the curved shop window with its fanlight is retained, but the internal space behind it could be retained as a hallway. The front door could remain as the existing (on the far left side) inclusive of its traditional fanlight.

The drawings if this section of the elevation of the existing and proposed lack some detailing and consistency. There are also a few errors with the annotation of these

details. Any replacement doors or windows (including the shop front) should be in timber only.

Rear GF - isn't that a separate flat? Wouldn't there be privacy issues from overlooking or rather looking into the bedroom glazed roof light from upper floors?

Rear boundary stone wall - this is an element of high aesthetic and historic interest to the significance of the conservation area. Any reduction in height has a negative cumulative impact in the traditional boundary treatments in this area. It is also very practical retaining its existing height as it acts as a protective barrier from the sea, flooding, privacy and when the beach stones are thrown during heavy storms.

The FF rear large study, balcony overhangs outside of the red line ownership line.

There does not seem to be provision for any bathrooms? Are they any associated flues or external fixings with this?

The rear 2F terrace - it is an interesting design, however it fails to respond to the local context. The existing gable feature of this rear wing and decorative roof gables on this rear, elevation form strong part of the architectural interest of not only this historic building but of a larger group including the adjoining listed buildings. The group form a pleasing rhythm of these gables and form one of the principle features of the aesthetic interest of the conservation area. There may be scope for creative design within the roof space but it is important to retain the main gable element.

o Windows - in general the use of Upvc windows and doors is not supported. It is very unfortunate that this building has many existing windows of this modern material that have clearly replaced the traditional timber sliding sash. The proposed alteration of the 2F rear kitchen/living room windows is not supported. The proposed single window is unsympathetic to the traditional vertical emphasis of the traditional openings. There would be permanent loss of the original architectural style of this building. The proposed window detracts from the aesthetic interest of the significance of the conservation area. It would be a dangerous precedent. The proposal materials for the window are not sympathetic or of a traditional material.

It is further suggested that proposed materials respect the local vernacular and use more timber. Timber and stainless steel fixings are best suited for this extreme marine environment. Aluminium and Upvc frames can get pitted from the coastal elements as well as warping and twisting of the Upvc. Standard fixings can rapidly corrode.

o In conclusion - as the proposal stands it is not supported due to the unsympathetic materials and alterations to the architectural interest that forms part of the significance of the conservation area and the setting of the listed buildings. There is less than substantial harm in accordance with the NPPF 21, s.16, paras 200 a), 202 and 207.

Other Representations

One third party has made a representation concerning inaccuracies in the Design and Access Statement relating to:

- Consultation with them as a neighbour which did not take place as described in the design and access statement;
- Comments about bins being left out permanently when this is not the case.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 48 (Local Distinctiveness in the Built Environment)

Strategy 49 (The Historic Environment)

D1 (Design and Local Distinctiveness)

EN7 (Proposals Affecting Sites which may potentially be of Archaeological Importance)

EN10 (Conservation Areas)

EN14 (Control of Pollution)

EN21 (River and Coastal Flooding)

EN22 (Surface Run-Off Implications of New Development)

TC2 (Accessibility of New Development)

TC9 (Parking Provision in New Development)

Budleigh Salterton Neighbourhood Plan (Made)

Policy H2 (Maintaining Local Character)

Policy H3 (Infill Developments and Extensions)

ASSESSMENT

Site Location and Description

The application site is located on the eastern end of Fore Street, the main arterial route through Budleigh Salterton. The principal elevation is north facing and retains a traditional shop front and ornate brick panels, corbels and reliefs. Whilst the property is not listed, the building makes a positive contribution to the character and appearance of the Budleigh Salterton Conservation Area. Budleigh Salterton and the site is located entirely within the East Devon Area of Outstanding Natural Beauty.

Proposed Development

The submitted drawings communicate various internal works including the installation of a passenger lift and the reconfiguration of floor levels within the rear wing extension. 34 and 34A would be amalgamated into one property with 36 Fore Street, the existing commercial unit retained at ground floor level albeit with reduced floor space owing to the change of use of a store room. An entrance door would be relocated on the principal elevation replacing an existing window with a pair of timber doors.

The most notable exterior alterations relate to the rear of the property. The existing two storey rear gable end would be extended to provide a second floor balcony. The three storey extension would be largely clad in dark timber boarding at first floor and second floor level with stone cladding at ground floor level. A series of timber windows are shown to be provided some of which are new and others are replacements. A single storey extension would also be constructed to provide a sun room with the rear stone wall being reduced in height to provide line of sight down to the beach.

Issues with the application predominantly concern the impact of the works on the character of the building, the wider Conservation Area, setting of an adjacent listed building and the East Devon Area of Outstanding Natural Beauty. Secondary considerations concern the impact upon the amenity of adjacent neighbours.

Character and Appearance of the Area

Owing to the building's height, architectural detailing, quality of materials and prominence in views from Fore Street, Marine Parade and the adjacent coastal footpath, it is considered one of the most important buildings within the Conservation Area. The conservation area appraisal specifically emphasises the significance of the high quality carved brickwork in the principal elevation, which is also designated as 'unspoilt frontage', and the group value shared with The Clink, a Grade II listed building, No. 36, 38, 40 and 40a.

The application has been reviewed by the Conservation Officer who has raised concerns regarding various elements of the scheme as originally submitted. Amended drawings have since been submitted that have improved the acceptability of the scheme regarding the visual harm to the character of the application building and wider Conservation Area. However for reasons that will be expanded on below, these have not overcome all of the concerns that were originally raised. The various alterations are considered in turn below;

- *Principal Elevation*

The main point for consideration regarding the principal elevation is the replacement of an existing arched window for a double timber door which would provide independent access into a hallway that would serve the residential property. This is annotated '15' on drawing 3_100005 (Proposed Elevations).

Initial concerns were raised regarding the cumulative negative impact of too many doors. In response sketch 18255_SK002 was put before officers that details retention of the fanlight and replacement of the adjacent single door to a 4x 2 timber casement window and using reclaimed bricks below.

It is accepted that the awkward spacing and scale of the existing doors do not make a positive contribution to the principal elevation. As such, the proposals as communicated on DWNG 3_100005 have the potential to provide some minor benefits to the character of the façade and wider Conservation Area. However, if permission is to be granted, then further details securing the decorative design and sections would be sought via condition.

- *Rear Boundary Wall*

The proposals seek to reduce the height of the rear boundary stone wall and implement a ‘transitional zone’ to replicate the form of the wall that encloses the rear of The Old Clink. Whilst the existing boundary wall is visible from the coastal footpath, it is partially obscured by existing shrubs planted at its base. The proposal to reduce the height of the wall and reflect the form of the rear walls of properties immediately to the east is considered to have a neutral impact on the character and appearance of the Conservation Area. The agent has confirmed that reclaimed stone would be used to cap the wall and planting beds would be provided forward of the wall and the bi folding doors.

- *Additional and Replacement Windows on the Rear Elevation*

Despite the rear elevation having a number of plastic casement windows, the spacing and degree of vertical emphasis does contribute to the character of the building. The submitted drawings communicate a number of new westerly facing windows on the proposed extension and a number of replacement windows on the eastern elevation to ensure the openings align with the changes to internal floor levels. All new and replacement windows would be constructed of timber frames.

The plans communicate the provision of three consecutive traditional sash windows at second floor level to serve the kitchen and living space with a southerly outlook. The latest set of drawings in addition to further correspondence from the agent has sought to highlight and clarify that this involves the replacement of the existing UPVC windows with sliding sash timber units and addition of a single unit in-between.

Despite the use of timber being considered an improvement on the plastic counterparts, the subsequent impact of the additional window here undermines the prevailing character of the rear elevation where windows are consistently spaced apart and vertically aligned. Owing to the prominence of the rear elevation in public views on the beach and coastal footpath it is considered that this loss of character would be visible and therefore harm can be attributed here.

- *Second Floor Extension and Provision of Balcony*

The existing rear gable-end extension projects towards the southern boundary and, whilst of limited architectural merit, is of modest proportions, subservient to the principal building and is similar in scale and form to rear projections of The Clink, No. 40 and 40A which reinforces the group value shared by these buildings. This provides a sense of rhythm to the street scene here, which is particularly apparent along the coastal footpath and beach.

To the west of the site, 32A The Watch House and a number of flats within Foreshore House are served by balconies. However, assumedly owing to their age, the rear of these properties to the east share a different character type of building with flat roof projections, mansard style roofs and large extents of glazing. The balconies here are also smaller and sympathetic to the proportions of their respective principal buildings.

The proposed balcony extension to the application building would significantly increase the scale and bulk of the existing rear extension. The chosen palette of materials which include the use of timber cladding, stone walling and coreten steel panels, whilst contrasting with the prevailing use of painted render, is considered acceptable. However, the overall form, mass and extent of the balcony structure lacks subservience, physically dominates the adjacent listed building and fails to respond to local context.

Whilst the architectural significance of the application building is primarily drawn from the principal elevation, the modest proportions of the rear gable end extension underpins the architectural interest of a wider building group that includes the adjoining listed buildings. The group form a pleasing rhythm of these gables and form one of the principal features of the aesthetic interest of the conservation area.

As such the rear balcony extension is considered harmful to the character of the existing building, setting of the adjacent listed building and appearance of the Conservation Area.

Impact on Neighbouring Amenity

A number of properties along the southern side of Fore Street, particularly those to the west of the application site, are served by balconies and windows with a southerly outlook to benefit from the sea views. A number of properties, including the application building, also have a number of windows on side elevations of rear extensions that overlook adjacent amenity areas. As such there is mutual overlooking between properties and this is part of the prevailing character of the area.

The plans communicate a number of replacement windows along the eastern elevation, however, none of these are anticipated to overlook the outdoor amenity areas or existing windows that serve The Clink. A small Juliette balcony would serve a study at first floor level with primary outlook to the south. The proposed terrace at second floor level would have a 1.7 metre slatted timber screen along its eastern side to avoid overlooking The Clink and properties further afield. Whilst prospective occupants using the second floor terrace would be able have outlook to the west towards 32 and 32A, these properties already overlook one another. The separation distances provided by the existing courtyard area ensure that the subsequent level of overlooking on the adjacent holiday accommodation of 32A and 32 is not unduly harmful.

Conclusion

In this case special regard has been given to the impact of the development upon the significance of the Conservation Area and an adjacent listed building, both of which are considered as heritage assets.

Paragraph 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires '*with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2),*

special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'.

Furthermore, paragraph 202 of the National Planning Policy Framework requires any harm to the heritage asset is to be weighed against the public benefits.

In this case the provision of the new entrance door on the principal elevation is considered to provide some minor benefits to the character and appearance of the Budleigh Salterton Conservation Area. However, the proposed alterations to the rear, most notably the second floor terrace extension and changes to the rear fenestration are considered to outweigh these benefits to result in less than substantial harm.

The Design and Access Statement highlights some benefits to prospective occupiers, particularly those with mobility difficulties, owing to the provision of the internal lift and altering internal floor levels to make the rear wing accessible. It is also suggested within the application that the proposal directly supports the creation of jobs by bringing a new business to the town. It is anticipated that this relates to the ground floor commercial unit albeit no further information is provided to support this statement and assumedly the ground floor unit is currently available to be occupied. As such, with regards to the planning balance, limited public benefits as a result of the development have been put forward.

Overall, with regards to the balancing exercise required by paragraph 202 of the NPPF and Policy EN9 (Development Affecting a Designated Heritage Asset) of the Local Plan, the identified harm, albeit less than substantial, is not considered to be outweighed by public benefit. As such the application is considered unacceptable and therefore recommended for refusal.

RECOMMENDATION

REFUSE for the following reasons:

1. The proposed works, by virtue of the second floor terrace extension's scale, bulk, massing and incongruous form and alterations to the fenestration of the rear elevation would materially harm the character and appearance of the Budleigh Salterton Conservation Area and setting of an adjacent listed building known as 'The Clink'. In the absence of public benefits to outweigh the less than substantial harm identified, the proposal would be contrary to the provisions of Strategies 6 (Development within Built-up Area Boundaries) and Policies D1 (Design and Local Distinctiveness), EN10 (Conservation Areas) of the adopted East Devon Local Plan 2013 - 2031 and Policy H3 (Infill Developments and Extensions) of the Budleigh Salterton Neighbourhood Plan and guidance contained within the National Planning Policy Framework.

NOTE FOR APPLICANT

Informative: Confirmation - No CIL Liability

This Informative confirms that this development is not liable to a CIL charge.

Any queries regarding CIL, please telephone 01395 571585 or email cil@eastdevon.gov.uk.

Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council seeks to work positively with applicants to try and ensure that all relevant planning concerns have been appropriately resolved; however, in this case the development is considered to be fundamentally unacceptable such that the Council's concerns could not be overcome through negotiation.

Plans relating to this application:

3_100004 of 20	Proposed Floor Plans	10.10.22
3_100005 of 20 :	Proposed Combined floor/roof Plans	10.10.22
3_100006 of 20 :	Proposed Combined proposed floor/sections Plans	10.10.22
2-100000 OF 13	Location Plan	20.04.22

List of Background Papers

Application file, consultations and policy documents referred to in the report.

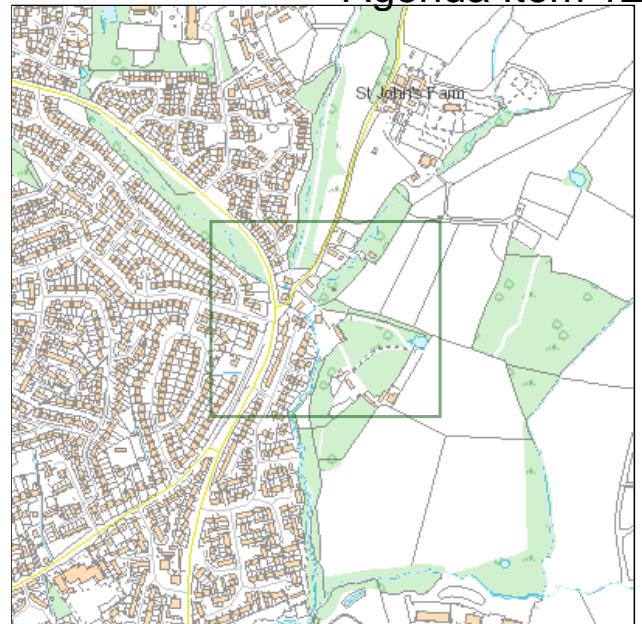
Ward Exmouth Withycombe Raleigh

Reference 22/0873/FUL

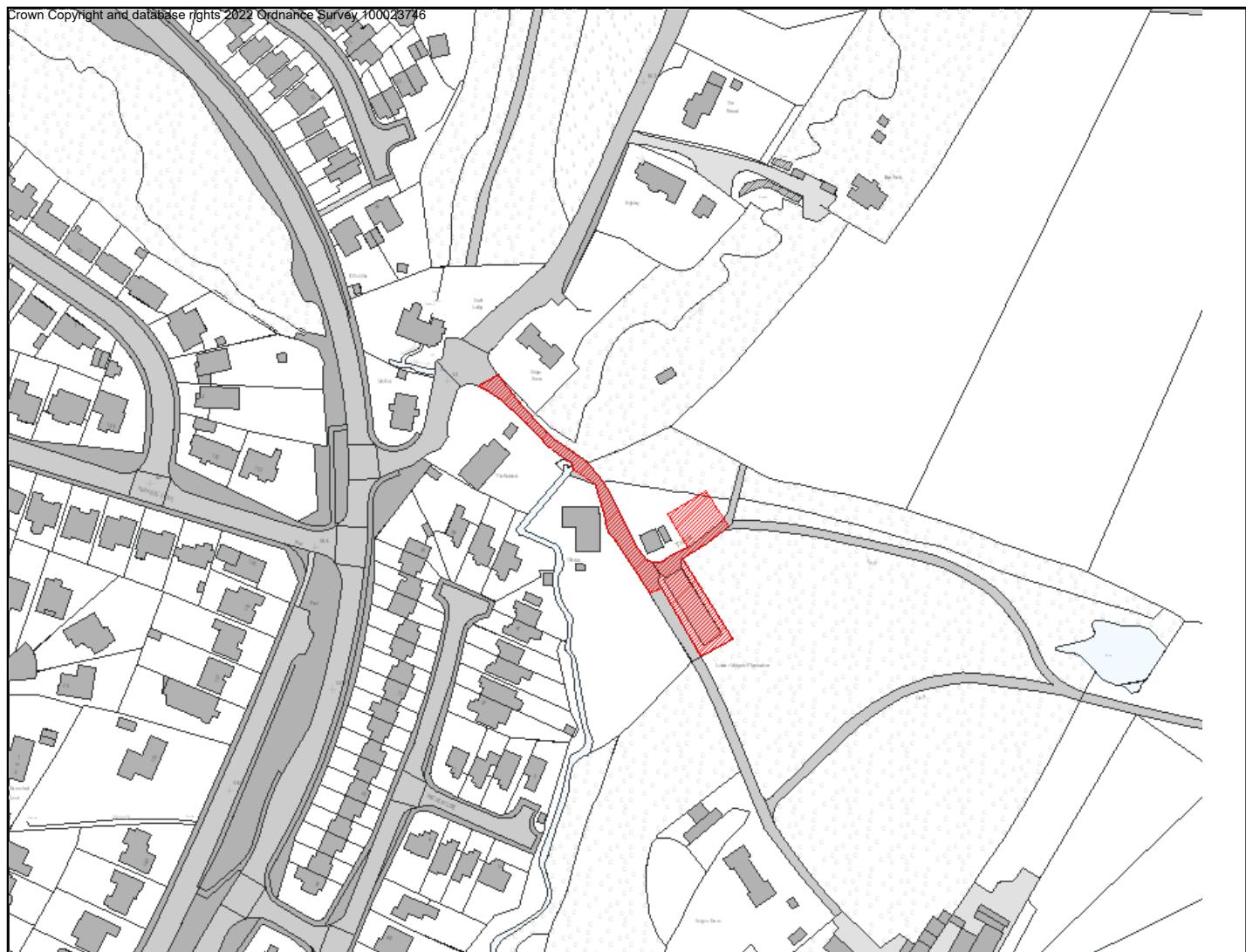
Applicant Mr Eric Biddulph

Location Olleston St Johns Road Exmouth EX8 5EG

Proposal Erection of a detached dwelling with associated parking and amenity space, vehicular access and landscaping.



RECOMMENDATION: Refusal



		Committee Date: 29 November 2022
Exmouth Withycombe Raleigh (Exmouth)	22/0873/FUL	Target Date: 21.06.2022
Applicant:	Mr Eric Biddulph	
Location:	Olleston St Johns Road	
Proposal:	Erection of a detached dwelling with associated parking and amenity space, vehicular access and landscaping	

RECOMMENDATION: REFUSE

EXECUTIVE SUMMARY

This application is before the Development Management Committee as Ward Members have expressed a contrary view to officers.

Planning permission is sought for the construction of a detached dwelling with associated parking and amenity area on the site of a former storage/agricultural building.

The site is located outside of, but adjacent to the built-up area boundary and within reasonable walking and cycling distance to existing services and facilities in Exmouth such that it is considered to be in an accessible and sustainable location. The provision of a new dwelling on previously developed land would make a limited but positive contribution to the Council's delivery of housing, on a site which is considered to be sustainably located, and would contribute to the District's 5 year housing land supply.

The proposed dwelling, although of a reasonable design, is considered to occupy a significant part of the site which is heavily constrained due the presence of substantial protected trees within close proximity of the site boundaries. The proximity of the trees is such that the main habitable rooms, and the majority of the dwelling would receive no sunlight and be shaded throughout the day. In this respect the relationship between the dwelling and the trees is such that the living conditions of any future residents would be dominated by the presence of the trees, particularly as they grow and mature.

Whilst a further area of land is proposed to provide an external amenity area for the dwelling, this is divorced from the dwelling, and also heavily shaded by the protected trees.

As a consequence, it is considered that there would be mounting pressure to remove or fell the trees as a result of the worsening amenity for any future residents which would be difficult to resist.

Notwithstanding the fact that the Council can no longer demonstrate a 5 year housing land supply and that the site is reasonably located in terms of sustainability, it is considered that the proposed development would fail to provide an acceptable level of residential amenity for future occupiers due to the presence of the protected trees.

On the basis of the poor levels of residential amenity the application is therefore recommended for refusal.

CONSULTATIONS

Local Consultations

Exmouth Withycombe Raleigh - Cllr Brenda Taylor

I would like this application to go to committee, my colleague Cll Steve Gazzard and I would approve this application, as we visited the site some months ago, and asked for a habitat survey.

The agent would like to speak

Parish/Town Council

Objection, the proposal was outside the Built-up Area Boundary for Exmouth and therefore considered to be development in the countryside. The proposal would further erode the rural character of the historic woodland and detrimental to the environmental setting. The application was considered to be contrary to policy EN1 of the Exmouth neighbourhood Plan which states development will only be permitted where it would not harm the distinctive landscape, and environmental qualities within which it is located. It was noted that DCC Highways had so far not commented, and the application was accompanied by an independent transport assessment. Members did not agree with the assessment that there will not be any increase in traffic. Even though the proposal was for a single dwelling it was for a very large property. The site has been subject to many previous planning applications which have refused due to concerns over Highway safety due to the substandard access to the site.

Parish/Town Council

Meeting 20.06.22

Objection sustained; the amended plans did not mitigate previous concerns raised. Members were concerned to prevent felling of the woodland and noted that a TPO had recently been served.

Technical Consultations

Devon County Highway Authority

Observations:

This site has had two reasonably recent applications in which the County Highway Authority (CHA) has had concern for;

- 19/0401/FUL, B1 and B8 use
- 17/1723/FUL, 4 New dwellings

The CHA is minded that both of these applications would have seen a material increase in trip generation compared to that of the existing permitted use.

However, the current proposed use, will be in placement of the former workshop unit and therefore although of course not operating now, has to be taken as the benchmark trip generation in comparison, with regards to this proposed use.

Therefore I believe, in this regard, the trip generation will not be greater from one dwelling to that of when the workshop was last in use, pre-2006.

As such although the visibility onto St Johns Road in the right direction is substandard, the use of the existing established access is not being increased in terms of permitted development, though this does require the hedge to be maintained to a similar level to that previously.

Therefore, in line with our pre-application site visit and report BTC21055, The CHA has no objection to this planning application.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT

Natural England

see comments under "document" tab

Natural England

Dear Sir/Madam,

Application ref: 22/0873/FUL

Our ref: 392166

Thank you for your consultation.

Natural England has previously requested further information on this proposal in our letter dated 16 May 2022, reference 391468.

The information is still needed by Natural England to determine the significance of impacts on designated sites. Without this information Natural England may need to object to the proposal.

Please note we are not seeking further information on other aspects of the natural environment, although we may make comments on other issues in our final response.

Please re-consult Natural England once this information has been obtained. On receipt of the information requested, we will aim to provide a full response within 21 days of receipt.

Natural England

Natural England has previously requested further information on this proposal in our letters dated 16/05/2022 & 18/05/2022.

The information is still needed by Natural England to determine the significance of impacts on designated sites. Without this information Natural England may need to object to the proposal.

Please note we are not seeking further information on other aspects of the natural environment, although we may make comments on other issues in our final response.

Please re-consult Natural England once this information has been obtained. On receipt of the information requested, we will aim to provide a full response within 21 days of receipt.

EDDC Trees

In principle construction of a building on the existing footprint is possible without being detrimental to the health of the trees remaining on site. However, due to the proximity of large woodland trees it is considered that the current proposal would lead to significant pressure to prune or fell trees due to safety concerns, which would be detrimental to the character of the area. The scheme should therefore be refused as it is contrary to our local planning policies D1, D2 and D3.

Comparisons of aerial images from 2016 and most recent show significant tree felling on the plot. The site immediately adjacent to the old workshop was a dense area of trees and formed a distinct part of the woodland edge. During this relatively short period of time, the character of the plot has changed. This includes part of the woodland which is proposed as a garden. I have significant concerns regarding pressure to prune / remove further trees which are within falling distance of the proposed property due to concerns over safety / perceived risks of failure. As noted within the arb report the trees are located 13m to the south east and 17m to the east of woodland trees which are up to 28m in height and therefore within easy falling distance. Many of these trees are described as 'etiolated specimens' and with the recent removal of neighbouring sheltering trees it is considered a dwelling would be inappropriate and detrimental to the long-term character of the woodland area. I do not agree that with the AIA that the density of trees is 'relatively low' nor that the proposal is sustainable.

It should be noted that permission was granted in October 2021 for the felling of five large of Ash trees due to ash die back within the neighbouring property of Olleston. A number of photos have been used by the applicant to show the relative close proximity of existing neighbouring residential dwellings. However, prior to the felling of the trees, the character of the neighbouring property was very much 'treed' which restricted views of the neighbouring properties. Five replacement trees are conditioned including Lime and Oak to ensure the 'woodland character' of the area immediate area is maintained which will be located directly to west of the proposed development.

Trees

Despite the proposal now incorporating construction to withstand strikes from trees, my original concerns still remain about proximity of potentially large woodland trees to the proposal and future pressure to prune / remove these trees. TPO's are only made where there is considered to be a significant threat to the trees. The making of the TPO does give the council a degree of control over the future management of the trees but the construction of a habitable space and associated garden in this locality does increase the perceived risk posed by the trees of either damage to one's property or injury to person, whereas the risk to un-inhabitant space is obviously lower and therefore there is less requirement to manage the trees. A large proportion of the tree teams workload is dealing with concerns from residents over the proximity of trees to properties where consent has been granted to build in close proximity to trees-particularly as trees grow. Furthermore the proposed location for the garden is located in what was until recently a wooded area and it is questionable whether this is a suitable usable space for a garden.

Other Representations

None received

PLANNING HISTORY

Reference	Description	Decision	Date
19/0401/FUL	Demolition of the existing workshops and provision of new workshops/storage utilising the existing footprint	Refuse	04.06.2019
17/1723/FUL	Demolition of workshop and construction of 4 no. dwellings, and change of use of land to provide detached garden areas with associated car parking.	Withdrawn	02.02.2018
04/P2075	Erection Of One Dwelling	Refused Appeal Dismissed	30.09.2004 21.06.2005
03/P0412	Change Of Use From Dairy/stables To Workshop	Approved	01.07.2003

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-Up Area Boundaries)

Strategy 7 (Development in the Countryside)

Strategy 22 (Development at Exmouth)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)
D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)
EN14 (Control of Pollution)
EN22 (Surface Run-Off Implications of New Development)

TC2 (Accessibility of New Development)
TC7 (Adequacy of Road Network and Site Access)
TC9 (Parking Provision in New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2021)
National Planning Practice Guidance

Exmouth Neighbourhood Plan (Made)

EN1 Development in Built-up Area Boundary

Site Location and Description

The application site currently comprises a disused and dilapidated former agricultural/storage building set amongst a sylvan plantation setting, though some have recently been felled. To the west of the site lies a residential dwelling, with a more modern storage building to the north, on all other immediate sides the sites is surrounded by plantation trees.

The application site lies adjacent to but outside of the built up area boundary of Exmouth. Access is provided by a single track highway from St Johns Road which also serves the adjacent dwelling and a further property, becoming a private road shortly after the site.

Proposed Development

Planning permission is sought for the demolition of the existing building on the site and the construction of a new detached dwelling with integral garage, parking and a garden/amenity area. The proposed dwelling occupies virtually the whole of the main body of the site. There is a 3m wide strip of garden to the front of the dwelling, a 1metre pathway to the north eastern side of the building and an amenity area measuring around 75 square metres to the south east of the building. A further amenity area is located to the north east of the site.

The dwelling has accommodation on two levels, with the ground floor comprising living accommodation, with four bedrooms and associated bathrooms/en-suite facilities above.

The design of the property takes reference from a more traditional brick and wooden barn, under a slate roof, and incorporates a large glazed full height elevation to the south east, with the main aspect to the north east and a full height entrance to the lane side of the building.

ANALYSIS

The main issues to be considered in the determination of this application relate to the principle of the proposed development, the design, scale and impact of the dwelling on the character and appearance of the area, and any impact on highway safety, trees, or residential amenity.

Policy Context and Principle of the Development

Policy Context

The National Planning Policy Framework (NPPF) states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Council formally adopted the East Devon Local Plan 2013-2031 on 28th January 2016 and the policies contained within it are those against which applications are being determined and carry full weight. The Exmouth Neighbourhood Plan (NP) has been 'made' and also carries full weight.

Principle

Planning law requires that applications for planning permission must be determined in accordance with the development plan (foot note 2 states this includes local and neighbourhood plans that have been brought into force) unless material considerations indicate otherwise. Paragraph 12 of the NPPF states that the presumption in favour of development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up to date development plan where there are material considerations in a particular case which indicate that the plan should not be followed.

The site lies outside of the built up area boundary of Exmouth and is not in an area allocated for development in any neighbourhood plan. Whilst adjacent to the built up area boundary, the site lies, in policy terms, in the open countryside. As such the proposed development falls to be considered under Strategy 7 of the EDDC Local Plan which seeks to protect the character and appearance of the surroundings from development that would have a detrimental impact, though it does not represent a bar on all development as it supports the principle of development if in accordance with other policies contained in the development plan. Strategy 22 relates to development at Exmouth where, within the development boundary, moderate new housing will be promoted.

There are no policies within the Local Plan which support applications for residential development in the countryside unless there is a proven agricultural, forestry or rural worker need and therefore this application is considered to be a departure from the Local Plan and has been advertised as such.

Sustainability and Accessibility

Strategy 7 of the Local Plan defines the countryside as all those parts of the plan area outside of the Built-up Area boundaries for towns and villages shown on the proposals map. This policy seeks to restrict development outside the Built-Up Area Boundaries of defined towns and villages with the intention of ensuring that the majority of new development is situated within established settlements in order to promote sustainable patterns of land use. Although the National Planning Policy Framework is less prescriptive about the location of new housing than the Local Plan, the overarching objective is also to achieve sustainable patterns of land use where the fullest use can be made of public transport, walking and cycling. Therefore, there is consistency between the Framework and the objectives of the Local Plan in this regard. The application site is located in the countryside, outside of the built-up area boundary as defined by the Local Plan.

Policy TC2- Accessibility of New Development of the Local Plan states that new development should be located so as to be accessible by pedestrians, cyclists and public transport and also well related to compatible land uses so as to minimise the need to travel by car. The policy justification states that this is to positively influence travel patterns and movements by promoting development in the most sustainable locations where people can make realistic and viable alternative choices to the use of the car.

Whilst the site is in the countryside, it adjoins Exmouth's built-up area boundary and is considered to be within accessible walking and cycling distance to existing services and facilities in the area and in close proximity to existing public transport links into the town such that it is considered that it would be difficult to argue that the site is not sustainably located. This is particularly pertinent at the present time, when there is some doubt as to the ability to demonstrate that the Council has a five year housing supply.

The principle of new development on the site, given the lack of available housing land supply, and its sustainable location, is therefore considered to be acceptable unless any adverse effects of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies in the local plan and NPPF taken as a whole.

Design, Scale and Impact on Character and Appearance of Area

The proposed dwelling is on the site of a former large storage building and a derelict dairy building which occupied the site. The footprint of the dwelling would be slightly less than that of the former buildings, with the general design and proposed materials taking reference from the smaller derelict barn which remains on site. The design of the building takes a simple linear form, with the main aspect being to the north east and to the south where a full two storey height glazed gable end wall is proposed. The use of brick, wooden panels and a slate roof are typical of that found on many rural buildings. The overall design concept of the building is not considered to appear unreasonable although it is somewhat constrained by the surrounding trees.

In terms of wider impact, the proposed building would be sited adjacent to the lane, which beyond the site is a private track, with no public right of way. The site has trees to its eastern and southern boundaries, which are the subject of a new blanket tree preservation order. It is only visible from the lane, although it would be seen within the context of the neighbouring property and ancillary storage building. However it would extend virtually the whole width and most of the length of the main body of the site, providing little useable amenity space around it, which is somewhat at odds with the adjacent dwelling. Overall it is considered that the scale and position of the dwelling would appear too large for the size and constraints of the site, although the general design concept of the property is not considered to be unreasonable in this location.

Highway Safety

Policy TC7 - Adequacy of Road Network and Site Access of the Local Plan states that planning permission for new development will not be granted if the proposed access, or the traffic generated by the development, would be detrimental to the safe and satisfactory operation of the local, or wider, highway network.

Previous proposals for the re-development of the site, including that refused planning permission for the replacement of the existing building on the site with a new building accommodating 5 business units, were refused planning permission on the basis of the poor visibility at the junction of the lane onto St Johns Road and the intensification in the use of the site.

The existing building, albeit in a poor state of repair has been previously used as a workshop and store. Whilst this use has not been undertaken in recent years, it is considered that this remains the authorised use, and one which has the potential to generate relatively large vehicular movements. It is considered that this is a material consideration in the determination of the application. The potential traffic generation arising from the revival of the former use of the site, compared with that generated by a single dwelling has been considered by the Highway Authority who have concluded that they would have no objection to the proposal on the basis that it would be likely to result in less conflict with the existing road network. Whilst the junction at St Johns Road lies beyond the control of the applicant, and there is therefore no scope to improve the visibility at this point, the fact that there is an existing authorised use of the site remains, and any reduction in likely trip generation is supported.

Policy TC9- Parking Provision in New Development of the Local Plan states that spaces will need to be provided for Parking of cars and bicycles in new developments. As a guide at least 1 car parking space should be provided for one bedroom homes and 2 car parking spaces per home with two or more bedrooms. At least 1 bicycle parking space should be provided per home. The proposed dwelling, with an integral garage and parking for two cars is considered to comply with this policy.

Bearing the above in mind, no objection is raised on highway safety grounds.

Trees

The application is accompanied by an arboricultural impact assessment, tree protection plan and a site analysis in respect of the relationship between the proposed

dwelling and the surrounding trees, which are now the subject of a blanket tree preservation order. This analysis and the proposed protection details have been considered by the Council's Arboricultural Officer with the conclusion that the proposed dwelling could be constructed without damage to the existing trees surrounding the site.

New development in close proximity to trees can lead to pressure from future residents to lop or fell existing trees and the concerns raised by the Council's Arboricultural Officer in this respect are fully appreciated. Whilst the group of trees to the north west of the site are within the ownership of the applicant, most of the rest are within separate ownership, and therefore beyond the control of any future residents. The trees form part of a larger woodland area known as Lower Vieges Plantation. Whilst it is not clear when they were planted, the arboricultural report identifies the woodland as young/middle aged specimens, varying in growth from less than a third to up to two thirds of life expectancy. As such there is significant potential for further growth as the trees mature.

It is considered that the relationship between the trees and the proposed dwelling is such that notwithstanding the ability to be able to construct a dwelling without causing harm to the trees, the living conditions of any future occupiers would be dominated by their presence.

The imposition of the TPO provides legal protection against the removal of any further trees covered by the area, without approval. Whilst the trees lie outside of the control of the applicant, it is considered that as the trees grow and mature, the negative impact of their presence and the real or perceived threat to the dwelling and future residents would result in requests to cut back, or fell trees to allow more light to the garden and into the dwelling. These works may be difficult to resist given the likely adverse impact on the living conditions of occupiers of the proposed dwelling from the tree.

It is also relevant to note that the felling of 5 Ash trees within the neighbouring property to the immediate south west of the site, approved under reference 21/2367/TRE is conditioned to require replacement planting of 5 trees within the curtilage of the site, which may, over time, have a further impact on the amenity of the occupiers of the proposed dwelling.

Overall, it is considered that the proximity of large woodland trees would lead to significant pressure to prune or fell trees due to safety concerns which would be detrimental to the character of the area and contrary to policies D1 (Design and Local Distinctiveness), D2 (Landscape Requirements) and D3 (Trees and Development Sites) of the local plan.

Residential Amenity

Policy D1 of the Local Plan states that proposals should not adversely affect the amenity of occupiers of adjoining residential properties.

The orientation of the dwelling is such that the main aspect is to the north east and south, with only the entrance porch having an aspect towards the garden of the

existing property, Olleston, to the south west of the lane. Whilst the new building would be relatively close to the garden of the existing property, the lack of windows on the front elevation would ensure that no loss of privacy for the occupiers of the existing property would occur.

Whilst it is not considered that the proposal would have any material impact on the amenities of neighbouring residents, the main area of concern is for any future residents of the proposed dwelling. The submitted details indicate that the front elevation of the building would be to the north east, and that the building would be set at a lower level than the adjacent rising land. This land is outside of the control of the applicant, and with a metre wide strip of land to the boundary of the site, the ground floor windows, including the proposed lounge will face onto a retaining wall with rising land and the woodland beyond.

At the first floor bedroom windows, and proposed balcony on this elevation will similarly be looking over neighbouring land. Notwithstanding this, the shading plan indicates that due to the surrounding trees most of the proposed dwelling would be in shade, with very little sunlight into the building. The lack of natural sunlight and outlook onto a substantial woodland is considered to result in a poor standard of amenity for future residents.

The fully glazed south easterly aspect would allow light into the building, although again little sunlight, with the amenity space adjacent to the living area in constant shade from the adjacent trees. The lack of sunlight, significant shading and constrained rear outlook into the canopies of the trees at close range would fail to provide an appropriate level of amenity.

The proposed garden area to the north of the house would receive some direct sunlight during the day due to the more open south westerly aspect, although again it has large areas shaded. This area is detached from the dwelling, at a raised level and located at the furthest point away from the main living accommodation, and is within the area covered by the TPO, and therefore constrained in terms of providing an attractive and convenient garden space for residents.

Whilst the proposed development would not encroach within any of the root protection areas, the proximity of the trees, with the dwelling sited around 13m from the nearest tree to the south and 17m to the east is such that the dwelling would lie within falling distance of the trees. It has been suggested that appropriate measures, including the provision of a steel portal frame to resist tree strike could be employed to ensure safety, although this would not affect any perceived threat of fall.

Given the size of the dwelling proposed and modest size of the site, notwithstanding the separate amenity space, it is clear that the quality of the scheme has been compromised by the desire to maximise built floorspace without sufficient regard to the area's prevailing character, or the amenity levels of future residents.

Ecology

The application is accompanied by an ecological report which found no evidence of bats on the site although the surrounding woodland is likely to be used for foraging. A

disused wren nest was found within some ivy on the western elevation of the building, but no evidence of other nesting birds.

The report concluded that subject to appropriate mitigation, including the installation of integrated bird boxes, bat tubes, and the use of appropriate external lighting, the proposal would result in ecological enhancement.

Habitat Mitigation

The consultation response received by Natural England is requesting that additional information is required to address the impact of the proposed development on the designated sites, however this information was provided with the submissions and is addressed below.

The site is located in close proximity to the Exe Estuary and the East Devon Pebblebed Heaths Special Protection Areas (SPA's) which provide an important recreational resource for the local community. However, these are sensitive environments which are important to nature conservation and are subject to European wildlife site designations.

Despite the introduction of the Community Infrastructure Levy (CIL) where a proportion of CIL goes towards infrastructure to mitigate any impact upon habitats, contributions towards non-infrastructure mitigation are also required as developments that will impact on a protected habitat cannot proceed under an EU directive unless fully mitigated. Evidence shows that all new dwellings and tourist accommodation within 10 kilometres of the Exe Estuary and/or the Pebblebed Heaths Special Protection Areas (SPA's) will have a significant effect on protected habitats which is reflected in Strategy 47- Nature Conservation and Geology of the Local Plan. This proposal is within 10 km of the Exe Estuary and the Pebblebed Heaths and therefore attracts a habitat mitigation contribution towards non-infrastructure at a rate of £367.62 per dwelling which has been secured as part of this application.

Planning Balance

There are 3 dimensions to sustainable development – social, economic and environmental – which must be considered jointly. The provision of a new dwelling on previously developed land would make a positive but limited contribution to the district's housing supply, over which there is currently some uncertainty, on a site which is considered to be sustainably located, albeit outside of the defined built-up area boundary. Whilst the application would only provide a single dwelling, cumulatively individual plots can make a meaningful contribution to the housing supply, and deliver new properties in a more timely fashion.

The site would bring limited economic benefits to the area during the construction phase, and by the additional contribution arising from additional residents to the local economy

However, whilst the overall principle of development may be considered to be acceptable and there is no highway safety or ecological objections to the proposal, the size and position of the proposed dwelling and its relationship with the surrounding

woodland is not considered to respect the character and appearance of the area, provide an appropriate standard of residential amenity for future residents, and is likely to lead to pressure to fell protected trees.

RECOMMENDATION

To refuse the application for the following reasons:

1. The proposed dwelling by virtue of the limited space available within the plot and close proximity to the boundaries of the site and protected trees would have a restricted outlook and would appear constrained within the plot and lead to significant pressure to prune or fell trees. As such the development would be detrimental to the character and appearance of the area. The proposal would therefore be contrary to policies D1 (Design and Local Distinctiveness) (Design and Local Distinctiveness), D2 (Landscape Requirements) and Policy D3 (Trees and Development Sites) of the East Devon Local Plan, Policy EB2 of the Exmouth Neighbourhood Plan and guidance contained within the National Planning Policy Framework.
2. The presence of nearby protected trees and the relationship with the proposed dwelling, due to the shading and lack of sunlight into the dwelling, particularly in respect of the proposed living rooms, and private amenity area to the south east of the site, would result in a poor standard of residential amenity for future occupiers of the proposed dwelling. This would inevitably lead to otherwise unnecessary and potentially damaging arboricultural works that would detract from the present and future public amenity afforded by the protected trees. The proposal would therefore be contrary to policies D1 (Design and Local Distinctiveness) (Design and Local Distinctiveness), D2 (Landscape Requirements) and Policy D3 (Trees and Development Sites) of the East Devon Local Plan, and guidance contained within the National Planning Policy Framework.

NOTE FOR APPLICANT

Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked proactively and positively with the applicant to attempt to resolve the planning concerns the Council has with the application. However, the applicant was unable to satisfy the key policy tests in the submission and as such the application has been refused.

Plans relating to this application:

8369-002 E	Proposed Block Plan	21.04.22
8369-003 C : floor/roof	Proposed Combined Plans	21.04.22

8369-004 E : front	Proposed Elevation	21.04.22
8369-005 E : elevations/section	Proposed Combined Plans	21.04.22
8369-LP	Location Plan	21.04.22
8369-008 Rev A: Site Analysis Tree Proximity	Other Plans	16.06.22

List of Background Papers

Application file, consultations and policy documents referred to in the report.

Agenda Item 13

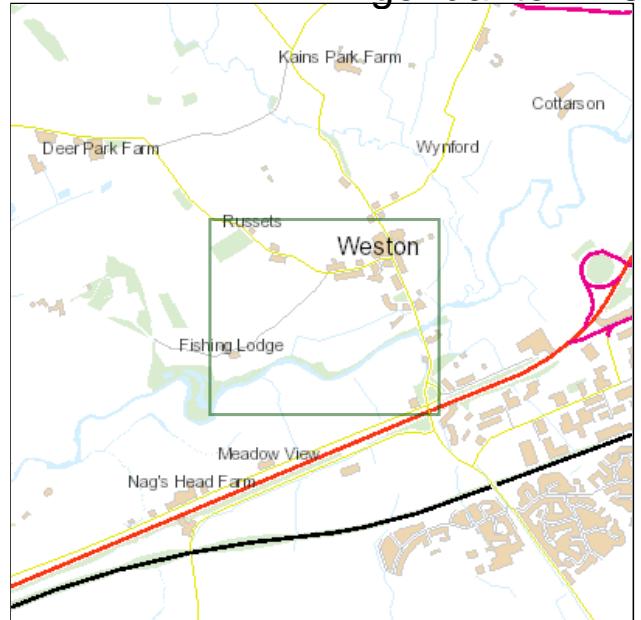
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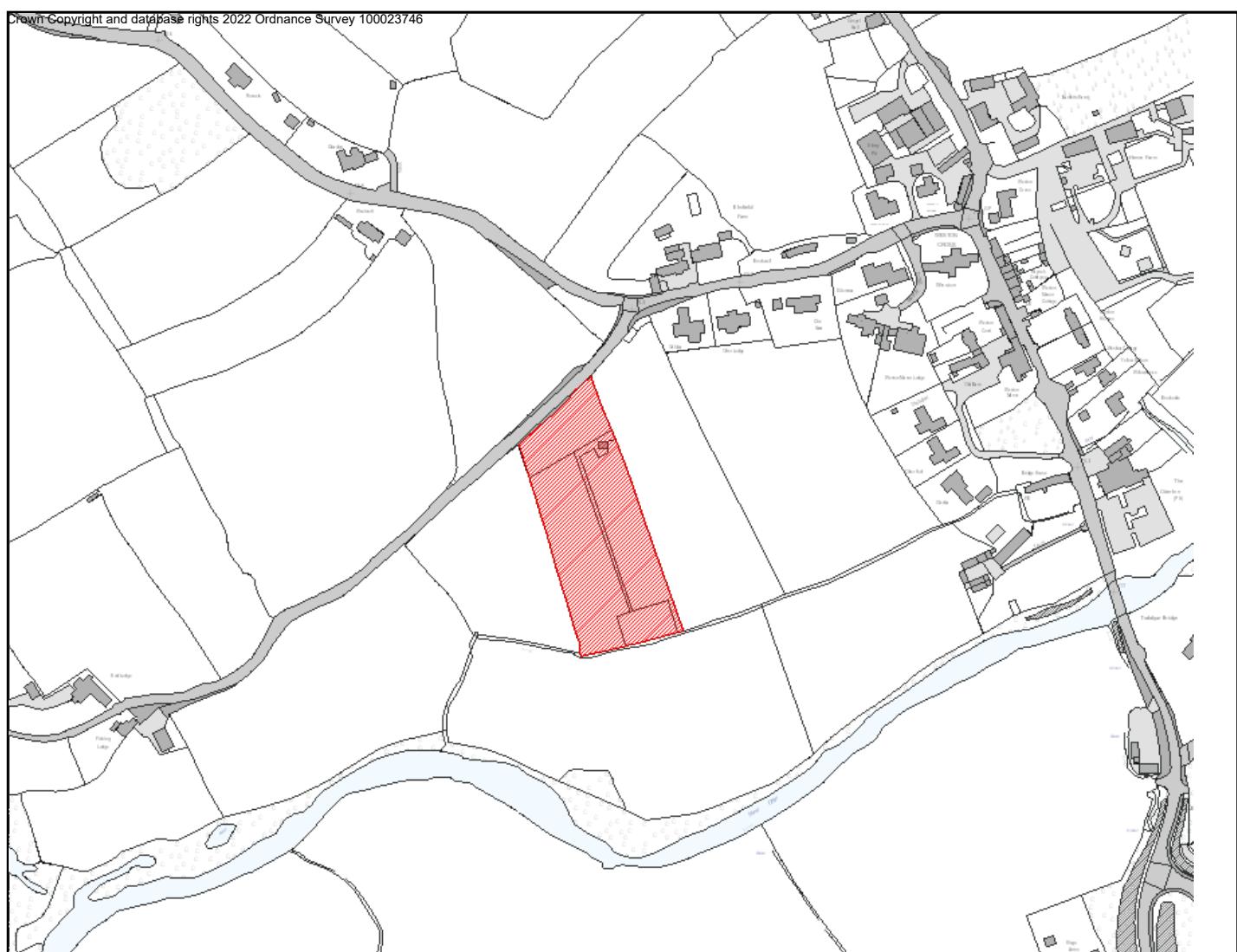
Applicant Mr D. Jenkins and Ms K. Holvey

Location Otters Pocket Weston Honiton EX143PF

Proposal Siting of a temporary rural workers dwelling and rural building.



RECOMMENDATION: Approval with conditions



		Committee Date: 29.11.22
Feniton (Buckerell)	22/1513/FUL	Target Date: 03.10.2022
Applicant:	Mr D. Jenkins and Ms K. Holvey	
Location:	Otters Pocket Weston	
Proposal:	Siting of a temporary rural workers dwelling and rural building.	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before members as the officer recommendation differs from the views of a Local Ward Member.

The application seeks permission for the siting of a mobile caravan to serve as accommodation for an onsite worker to assist in the day to day keeping, breeding and rearing of alpacas. The application also seeks permission for the construction of a barn and yard area.

Policy H4 (Dwellings for Persons Employed in Rural Businesses) of the East Devon Local Plan sets a strict set of criteria that proposals must fully satisfy in order to be granted permission. As such, the principle of siting the mobile home is accepted subject to the application meeting the various requirements of Policy H4.

The key issue for consideration is whether the application demonstrates that there is an essential functional requirement for an onsite worker to assist with the day to day running of the business. Additionally the proposals will need to demonstrate future operational viability of the business.

The applicants have been operating for two years and currently own 14 Alpacas, 10 of which are female, 2 males and 2 crias. The submitted agricultural appraisal detail intentions to expand this number to 30 females in addition to a number of stud males and youngstock. A Standard Man Days calculation has estimated an outstanding labour requirement of 323 man days.

Whilst concerns have been expressed by the Parish Council and third parties regarding the robustness of the applicant's case, it is the position of officers that the existing numbers of the herd and the numbers forecast would warrant the need for an onsite worker for most parts of the day.

The need for an onsite worker largely stems from the need to assist the livestock during the birthing process known as 'unpacking'. The Agricultural Appraisal expands upon the various challenges of establishing a breeding herd of alpacas. Whilst pregnancy usually lasts around 11 months, this can be up to 30 days either side of the due date. The difficulty in predicting the timing of the birth is further complicated by alpacas being induced ovulators and consequently do not display signs of being in heat and, due to being a prey species, are able to disguise signs of labour. As such, being able to closely monitor pregnant females is essential in management of the herd and sustainability of the business.

Calving usually occurs during the morning hours to early afternoon, however, it is not unusual for this to take place outside of daylight hours and for some level of assistance during unpacking. The failure to do so can lead to cria being lost and, owing to the high cost of the progeny, can have severe implications on the viability of the business. As such the husbandry and careful monitoring of the female stock and young cria is of paramount importance in establishing a successful business.

Having considered the agricultural appraisal, financial assessment and various appeal decisions concerning similar development, it is the position of officers that the proposals meet the requirements of Policy H4. As such it is recommended that approval is given for construction of the barn and temporary consent is granted for the siting of the mobile home.

CONSULTATIONS

Local Consultations

Parish/Town Council

Buckerell Parish Council objects strongly to the proposal for the siting of the temporary rural workers dwelling on the site of Otters Pocket. The Parish Council remains unconvinced that the applicant has demonstrated sufficient justification for the creation of a new home in this countryside location. It is not satisfied that a sufficiently robust case has been made that an agricultural holding of this size, can support a viable agricultural enterprise which will be sustainable for the foreseeable future and this view is reinforced by the admission that the business will rely upon income from camping under permitted development rights or long term camping proposals to support the alpaca rearing operation.

The Parish Council has not been able to interrogate the financial justification submitted to the local planning authority as that information has been redacted. It is considered that if this information is to be relied upon to justify the viability of the operation, then this information should be in the public domain and there is no government guidance which suggests that this information should be treated in a confidential manner.

Buckerell Parish Council expects East Devon District Council to appoint its own agricultural consultants, of equal standing to Reading Agricultural Consultants, to independently interrogate the financial case which has been put forward. They should expect the financial information to be based on up-to-date costs and prices, such as input prices which have risen significantly in recent months. Temporary planning permission should only be granted if the council's consultants are entirely satisfied that the long-term future operational viability is demonstrated, as required by Policy H 4 of the East Devon Local Plan.

Concern is also expressed that the mobile home will need to have its own sewage treatment plant which would require mains electricity which is not available on site. A traditional septic tank would not be appropriate due to the high-water table in this location.

The LPA also needs to be satisfied that the site has appropriate access as it is believed that the road to the site is in private ownership and it is important that appropriate notices are served.

Feniton - Cllr Alasdair Bruce – 07.09.2022

Haven't heard back from you regarding the above so I would like to lodge my objections to this development on the grounds already cited by Buckerell parish council.

Feniton - Cllr Alasdair Bruce – 11.11.2022

This application seems to have been poorly thought through with large gaps missing to satisfy the normal requirements of an application of this sort. The Parish councils have all pointed to the lack of transparency regarding the financial robustness of this application and there is no justification for the redaction of such information, nor any reason presented by the officers for this. Surrounded by farmers as I am, and occasionally involved in helping out, I am well aware of the pressures and still evolving regulations post brexit. So I too would have to cast doubt on the viability of such a venture as presented. My original comment, included in the original draft, was cut from an email I sent to the officer requesting clarification on points raised by a constituent. To date I have had no such clarification and leads me to have little confidence in the scrutiny which should have been applied to this case. From so many angles this application fails, and I'm frankly at a loss to see how it conforms with many of the requirements of H4 of our local plan, and that it is recommended for approval. I will not repeat the many sound and valid points raised by the respondents against this application, but would simply urge the committee to consider them well meant and refuse this application.

Adjoining Parish (Awliscombe)

Although this application is not within the Parish boundary of Awliscombe it is very close to the properties in the hamlet of Weston (part of Awliscombe Parish Council) and therefore we would like to make comments on behalf of the parishioners who are vehemently against this application. We have a number of questions that we would ask the planning officers to consider.

- Does the farming business case stack up and is there a need for an on-site worker? An area of 2.2 acres doesn't really provide the profit for a permanent workforce. It would seem that they have acquired a further field on a FBT but even so this amount of land would not lend itself to support the need for a dwelling on site particularly when it is within half a mile of the new Hayne Farm development. There is mention from the agents that the 'hypothetical' business could not support the rent or purchase of a local house surely this should cast doubts on the financial viability and the need for a mobile home at all. There is mention of a 'glamping business and egg production' and while this is not part of this application it will need to be taken into account for future decisions as this would be huge detriment to neighbouring properties.

- There is a 'trunk' main water pipe which runs through the field and we ask that South West Water are consulted and also there is the issue of waste water and the provision of a sewage plant or soakaway which is needed by law.

- The field is not in a flood designated area but we ask that the area is checked so that it is not affected by the Local Authority strategic plan for flood risk. These things are not the same as flood plain designation. We know the field floods when we have bad weather

- Residents are also concerned no environmental or ecological surveys have been undertaken and there is a failure to note the existence of any trees. It is surrounded on four sides with mature trees! Residents also do not want another camp site or tourist attraction in the hamlet. Traffic is bad enough and there is no room for parking on the land owned by the applicant. Parking on the roads in Weston is already an issue.

With these comments in mind Awliscombe Parish Council can not support this application and strongly object to the proposal of the 'Siting of a temporary rural workers dwelling and rural building'

Other Representations

Three third party comments have been received objecting to the application. The following points are a summary of the material planning issues raised:

- Trees are present onsite contrary to claims within the application form
- Lack of ecology survey
- Lack of Flood Risk Assessment
- No provision has been made for waste storage
- Concerns over accuracy of figures provided within the financial assessment
- Some of the appeal cases cited are not directly comparable
- Accommodation is available elsewhere that could be occupied
- Lack of Landscape Visual Impact Assessment
- A full Tree Survey should be conducted
- Inadequate measures to deal with surface water run off
- Mobile home does not reflect the local vernacular
- Financial costs do not reflect the current economic climate
- There is a lack of detail regarding the glamping offering which requires planning permission
- Salary for the rural worker is understated within the financial assessment

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

D1 (Design and Local Distinctiveness)

H4 (Dwellings for Persons Employed in Rural Businesses)

D3 (Trees and Development Sites)

Site Location and Description

Otters Pocket is located just west of Weston and accessed off of a private road that serves the Deer Park Hotel. The site is bounded by mature hedgerow and trees that prevent public views into the site. A pair of side hung timber gates have been constructed at the mouth of the access that were locked upon visiting the site. Currently the field consists of timber fencing that subdivide the area into pens, a number of timber outbuildings and a mobile caravan.

The application site comprises of 2.4 acres of agricultural land owned by the applicant laid to pasture where a herd of alpacas are left to graze. The holding also consists of an additional 0.7 acres immediately to the north east and a further 2.4 acres of land in Awliscombe both parcels of which are leased.

Proposed Development

The application seeks permission for the siting of a mobile caravan to serve as accommodation for an onsite worker to assist in the day to day keeping, breeding and rearing of alpacas. The application also seeks permission for the construction of a barn and yard area.

Principle of Development

The spatial strategy for development is focused around the seven main towns and larger villages with built up area boundaries, as described by Strategy 27. However, the proposed site is not included within such a settlement and therefore is not considered to have an appropriate level of services and facilities to support residential development. Therefore, for planning purposes, the proposal takes place within a countryside location and is therefore subject to restrictive rural policies.

Strategy 7 (Development in the Countryside) of the East Devon Local Plan states that development in the countryside will only be permitted where it is in accordance with a specific Local Plan or Neighbourhood Plan policy that explicitly permits such development and where it would not harm the distinctive landscape qualities within which it is situated.

Policy H4 (Dwellings for Persons Employed in Rural Businesses) of the East Devon Local Plan sets a strict set of criteria that proposals must fully satisfy in order to be granted permission. As such the principle of siting the mobile home is accepted

subject to the application meeting the various requirements of Policy H4, these will be considered in turn below.

Policy D7 (Agricultural Buildings and Development) of the Local Plan permits the construction of new agricultural buildings intended for agricultural purposes where there is a genuine agricultural need for the development.

Policy H4

The application has prompted objections from Awliscombe and Buckerell Parish Councils and a Local Ward Member who have expressed concerns that the agricultural appraisal has not put forward a robust enough case to warrant the need for an onsite worker. The Local Planning Authority has not employed an independent consultant to review the appraisal submitted by Reading Agricultural Consultants as suggested by a third party and Buckerell Parish Council. However, in this case, officers have reviewed the appraisal and referred to various appeal decisions involving the siting of temporary accommodation for an onsite worker for similar businesses.

Essential Functional Need

Policy H4 of the Local Plan supports the provision of homes in countryside locations to enable rural workers to live at or near their place of work in the countryside. H4 is broadly in line with the requirements of paragraph 80 of the National Planning Policy Framework which states that planning decisions should avoid isolated homes in the countryside unless there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside.

The submitted agricultural appraisal seeks to demonstrate that there is an essential functional need for a worker to reside on the holding. If this test can be met then the financial viability of the business should be reviewed.

The applicants have been operating for two years and currently own 14 Alpacas, 10 of which are female, 2 males and 2 crias. The submitted agricultural appraisal details intentions to expand this number to 30 females in addition to a number of stud males and youngstock. A Standard Man Days calculation within the appraisal has estimated a labour requirement of 323 man days.

However, before the applicants can operate on a commercial scale, it is stated that there is a need to ensure that the welfare of the stock can be assured at all times. Livestock should enjoy 5 basic freedoms; freedom from hunger and thirst, freedom from discomfort, freedom from pain, injury or disease, freedom to express normal behaviour and freedom from fear and distress (Animal Welfare Act 2006). Whilst these freedoms are clearly ethical and important factors in effective livestock management, it is considered that all of these needs could be met by a non-resident worker looking after the herd on a day to day basis.

Paragraph 4.2 of the Agricultural Appraisal expands upon the various challenges of establishing a breeding herd of alpacas. Firstly, whilst pregnancy usually lasts around 11 months, this can be up to 30 days either side of the due date. The difficulty in predicting the timing of the birth is further complicated by alpacas being induced ovulators and therefore do not display signs of being in heat and, due to being a prey species, are able to disguise signs of labour. Therefore being able to closely monitor pregnant females is essential.

The birthing process is known as ‘unpacking’ and whilst this usually occurs during the morning hours to early afternoon, it is not unusual for this to take place outside of daylight hours. Furthermore it is not unusual for some level of assistance during unpacking, the failure to do so can lead to cria being lost and, owing to the high cost of the progeny, can have severe implications on the viability of the business.

From a number of the appeal decisions reviewed by the LPA, Inspectors have attributed weight to guidance available on the British Alpaca Society website;

“Generally they are hardy, healthy animals and for non-breeding alpacas, as with all livestock they should be checked at least once a day, preferably twice. Pregnant females or females with young cria will need a much higher level of supervision and you should seek advice from BAS members with breeding experience or a vet for a suitable care regime.”

The difficulty of an unpredictable gestation period and the likelihood of staggered pregnancies creates the likelihood of a wide birthing window. The need to closely monitor pregnant females was considered a functional requirement of the herd that could only be met by a worker readily available at most times of the day by an inspector in the assessment of APP/W1145/A/14/2218039 at Worthy Farm in Dolton. In that case the number of females (13) is arguably similar to the number of female alpacas that the applicant currently owns (10).

Additionally, an appeal against Teignbridge Council at Little Park Farm (APP/P1133/A/12/2188539), was allowed for the siting of a temporary workers dwelling to assist in the day to day management of an alpaca herd consisting of 17 individuals, 8 of which were female and 7 crias. The inspector in this case states at paragraph 23 that;

“The appellant plans to increase the alpaca herd at Little Park Farm from 8 breeding females to around 20 within the next 3-5 years. The size of the holding would enable this number to be accommodated at acceptable densities, and they would require all round day and night care for significantly long periods. This view is reinforced by several of the appeal decisions which have been submitted by the appellant, some of which point to around 15-20 breeding alpacas being an acceptable threshold for requiring care at most times, although appeals have been allowed in relation to smaller herds.”

Alternatively, an appeal lodged against Stroud District Council’s refusal of a temporary caravan for a rural worker (APP/C1625/C/12/2171928) at Bird Farm was subsequently dismissed partly on grounds that there was no demonstrable functional need. Whilst there are similarities with regards to the size of the existing herds at

Otters Pocket, the number of females was much smaller (5) and therefore not directly comparable. Nonetheless, it was considered that at this number, the seasonal birthing period could be managed in a way that would only require the presence of an onsite worker during brief periods of any given year and therefore the siting of a mobile caravan could be achieved utilising permitted development rights.

However, a more recent appeal at Park Field, issued on 30.09.22 (APP/E2205/W/22/3297749), allowed an appeal for the siting of a temporary caravan. Whilst the inspector largely focuses on whether the forecasted herd numbers can be achieved, the functional requirement of the herd (42) was considered to warrant the presence of an onsite worker. Whilst it is acknowledged that the appellants also kept a small number of lambs and hens, the keeping, breeding and selling of alpacas was considered the primary function of the business. The number projected at Otters Pocket is 81 (30 females) and significantly above that of the Park Field case.

Owing to the number of alpacas forecasted by the end of year 3, concerns have been raised by statutory consultees and third parties regarding whether the modest size of the holding can accommodate the number. The application details that the holding consists of three parcels these include the application site (0.9ha), land west of The Barn Elmfield (0.4ha) and a further parcel of land at Awliscombe (2.4ha) under a Farm Business Tenancy Agreement. After further discussions between the LPA and the applicant's agricultural consultant, it has been confirmed that, once the size of the herd has increased individuals would be managed to ensure that pregnant alpacas prior to and immediately after calving would be kept at the application site along with their cria. The remaining herd who would require less supervision would be grazed on the nearby land. It has also been put to the LPA that the 48 adult alpacas projected by the end of year three need a minimum of 3.2ha (10 – 15 per hectare) and that the land available is 3.7ha. It has also been confirmed that as the business is developed past the initial three year period other land parcels will likely be added.

Review of the various appeal decisions highlighted above leads the Local Planning Authority to consider that, despite the limited size of the holding, the size of the existing herd, and in particular the percentage of female alpacas, and the projected number of individuals anticipated to be added over the next couple of years would require the presence of an onsite worker. Therefore, with regards to Policy H4 and paragraph 80 of the NPPF, the essential need test is met.

Financial Test

Criteria 3 of Policy H4 requires that 'a financial assessment, specifically in the form of a business plan setting out projected future operations, must demonstrate future operational viability. Parts of the financial statement have also been redacted which has led to concerns from the Parish Council and third parties regarding the future viability of the business.'

Three primary streams of income that form the business have been put forward; breeding and rearing of alpacas for sale, the sale of alpaca yarn products, manure and glamping. A website under the domain pocketalpaca.site has been created which sells a limited selection of alpaca toys although it's not clear that these have been made utilising wool obtained from the existing alpaca herd.

The primary source of income derives from the selling of breeding female alpacas which would also be supported by the sale of breeding males, non-breeding males and alpaca wool. The Parish Council appear to have concerns over the accuracy of the value of the alpacas and assumed sale prices within the financial statement. However in the absence of any substantive evidence put before the LPA to the contrary, information online indicates that the figures given are fairly reflective of the price of alpacas being traded in the UK.

The applicant assumes that by the third year of operating the business will be securing a fairly substantial amount of income through offering glamping. Owing to the limited land available and in the absence of planning permission for such a use, there is some doubt as to whether this part of the business can sufficiently operate to produce the income stated. The appraisal suggests that the landowner can utilise permitted development rights to enable the siting of tents/yurts, nonetheless, once the herd is fully established it is anticipated that there would possibly be limited land left available on the holding.

Comments from the Parish Council have reiterated that the costings provided gross margins need to reflect 'up-to-date costs and prices' which are stated to have risen over the last couple of months. However there is no evidence to suggest the figures given within the gross margins are out dated or incorrect and it is not possible to predict how the economy will change in the future. As such, despite the inflationary period the UK finds itself in, the costings provided within the report seem reasonable.

Primarily the financial assessment prepared by Reading Agricultural Consultants has sought to demonstrate that the business plan is capable, by the end of Year 3, of generating a profit sufficient to:

- a. reward the unpaid labour on the unit;
- b. provide a return to the investment in land;
- c. provide a return to the capital invested in the business; and,
- d. fund the build-cost of a dwelling

Further evidence provided by the applicant confirms that by the end of Year 3 £50,000 would have been invested into the business to cover the cost of constructing the proposed barn and for the purchasing of additional female alpacas.

In order to achieve the herd numbers given within the table at paragraph 4.13 of the agricultural appraisal, it is stated within the footnotes that between Year 1 and 2 that 10 breeding females will be purchased and then between year 2 and 3, 5 further breeding females would be purchased to expand the herd. Further correspondence with the agent has confirmed that approximately £30,000 shall be invested to

purchase new stock of females. Having reviewed prices given on alpacaseller.com it appears that the prices of females vary depending on age, breed and colour albeit usually they cost around the £2000 mark.

This initial investment figure (for the barn - estimate £20,000; and the alpacas - £30,000) and anticipated return of 2.5% (£1,250 per annum) is covered in the profit figures and reiterated at paragraph 4.21.

Despite concerns raised by third parties and the Parish Council, with regards to the viability of the business, it is the position of officers that there is a lack of evidence before the LPA to cast any doubt over the conclusions drawn within the applicant's financial assessment. It is also deemed appropriate to reiterate that the permission sought is for a temporary 3-year period during which the business would seek to develop and prove itself. Whilst this is not a reason itself to grant permission, the evidence before the LPA leads officers to conclude that there is a real prospect for the business to become viable by the end of the three-year period.

Proposed Barn

An open sided barn is proposed to be constructed towards the north-western corner of the site. The build is approximately 4.1 metres to eaves, 6 metres to the ridge with an overall footprint of 144sqm.

The applicant intends to use the building for storage of hay, machinery, feed and tools. Two stables would also be provided for sick or injured livestock that need to be separated from the main herd.

The structure is considered to be of reasonable size for the identified requirements. As a consequence it is considered that the agricultural building would be suitable and reasonably necessary to serve the agricultural use of the wider site.

Trees

The application site benefits from extensive screening provided by dense hedgerow and trees that border the site particularly on the northern boundary. The original drawings detailed the barn and hardstanding for the yard area encroaching within the Root Protection Areas and crown spread of a number of significant trees along the northern and, potentially, western boundary.

Concerns with regards to the proximity of the barn to these trees were relayed to the applicant who has subsequently moved the barn away from the trees of concern. This can be seen on the amended Site Plan (Drwg: DJ-JH-04 A) dated 28.09.22. The Local Authority's tree officer has confirmed that the development can take place without causing undue harm to the existing stock of trees subject to details of Tree Protection measures being provided prior to commencement on site.

Impact on Character and Appearance of the Area

The application site is located on fairly flat ground and enclosed by dense hedgerow and trees that border the site particularly along the northern boundary. As such, public views into the site are largely restricted to those immediately forward of the site's access if the timber gates are open. Otherwise the site is almost completely screened.

Concerns have been raised by a third party regarding the impact of the development on the rural character of the area. However, it is anticipated that owing to the existing screening the construction of the barn and hardstanding would have limited visual impact. Similarly, for the siting of the mobile caravan, some glimpsed views will be available on the road to the Deer Park Hotel. Despite this, the subsequent impact is very low.

Other Matters

Foul Drainage

- The submitted Foul Drainage Assessment confirms that foul sewage would be treated via a package treatment plant and discharged via a soakaway.

Flooding

- The southern half of the application site is designated as Flood Zone (2&3). Despite this, the mobile home and access to the site fall outside the land with an elevated risk of flooding. As such a detailed Flood Risk Assessment is not required.

Ecology

- Comments from Awliscombe Parish Council have expressed concerns over a lack of Ecological appraisal. However the siting of the mobile home and construction of the barn does not trigger any statutory requirement for such an ecological appraisal to be completed. Furthermore, in light of confirmation that all existing trees would be retained, there is no evidence before the LPA to suggest that the existing level of biodiversity at the site or protected species would be impacted. No such survey has therefore been sought.

Conclusion

Despite objections raised with regards to the functional need for the accommodation. The submitted agricultural appraisal demonstrates that the requirements of the alpaca herd, particularly given the size after the three year period, warrants the need for an onsite worker.

Parts of the financial statement have also been redacted which has led to concerns from the Parish Council and third parties not being able to assess this and the future viability of the business. However there is not any evidence before the LPA to doubt the conclusions drawn within the financial assessment.

Having considered the agricultural appraisal, financial assessment and various appeal decisions concerning similar development, it is the position of officers that the proposals meet the requirements of Policy H4.

In the absence of any harm to the character and appearance of the area or adjacent neighbours it is recommended that approval is given for construction of the barn and for the temporary siting of the mobile home.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. The permission hereby granted shall be for a limited period only beginning on the date the mobile home is first sited and expiring, on or before 3 years after this date at which point the land shall revert to an agricultural use and the mobile home shall have been removed and the site restored to its previous condition, unless the prior consent of the Local Planning Authority has been obtained in writing for a further period of such use.
(Reason - The permission is only justified for a limited period to allow the applicant to demonstrate the agricultural businesses viability and the continued functional need for the on-site accommodation of an agricultural worker and to control development in the open countryside in accordance with policy H4 (Dwellings for Persons Employed in Rural Businesses) and Strategy 7 (Development in the Countryside) of the adopted East Devon Local Plan 2013-2031).
4. The occupation of the mobile home shall be limited to a person solely or mainly working, or last working, in the locality in agriculture (as defined in Section 336 of the Town and Country Planning Act 1990) or forestry, or a widow or widower or surviving civil partner of such a person, and to any resident dependants.

(Reason - The dwelling is justified only by agricultural need and should remain available for this purpose in accordance with Policy H4 (Dwellings for Persons Employed in Rural Businesses) of the East Devon Local Plan 2013-2031.)

5. Prior to commencement of any works on site (including demolition), tree protection details, to include the protection of hedges and shrubs, shall be submitted to and approved in writing by the Planning Authority. These shall adhere to the principles embodied in BS 5837:2012 and shall indicate exactly how and when the trees will be protected during the site works. Provision shall also be made for supervision of tree protection by a suitably qualified and experienced arboricultural consultant and details shall be included within the tree protection statement. The development shall be carried out strictly in accordance with the agreed details.

In any event, the following restrictions shall be strictly observed:

- (a) No burning shall take place in a position where flames could extend to within 5m of any part of any tree to be retained.
- (b) No trenches for services or foul/surface water drainage shall be dug within the crown spreads of any retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority. All such installations shall be in accordance with the advice given in Volume 4: National Joint Utilities Group (NJUG) Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) 2007.
- (c) No changes in ground levels or excavations shall take place within the crown spreads of retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority.

(Reason - A pre-commencement condition is required to ensure retention and protection of trees on the site during and after construction. The condition is required in interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D3 - Trees and Development Sites of the Adopted East Devon Local Plan 2013-2031.)

6. Prior to commencement of the development hereby approved, details of the materials to be used for the construction of the barn shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

(Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

NOTE FOR APPLICANT

Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this

application, East Devon District Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved.

Plans relating to this application:

DJ-JH-04 A	Proposed Site Plan	28.09.22
DJ-JH-02	Proposed Combined Plans	07.07.22
DJ-JH-03	Proposed Combined Plans	07.07.22
DJ-JH-05	Location Plan	07.07.22

List of Background Papers

Application file, consultations and policy documents referred to in the report.

Ward Newton Poppleford And Harpford

Reference 21/3308/RES

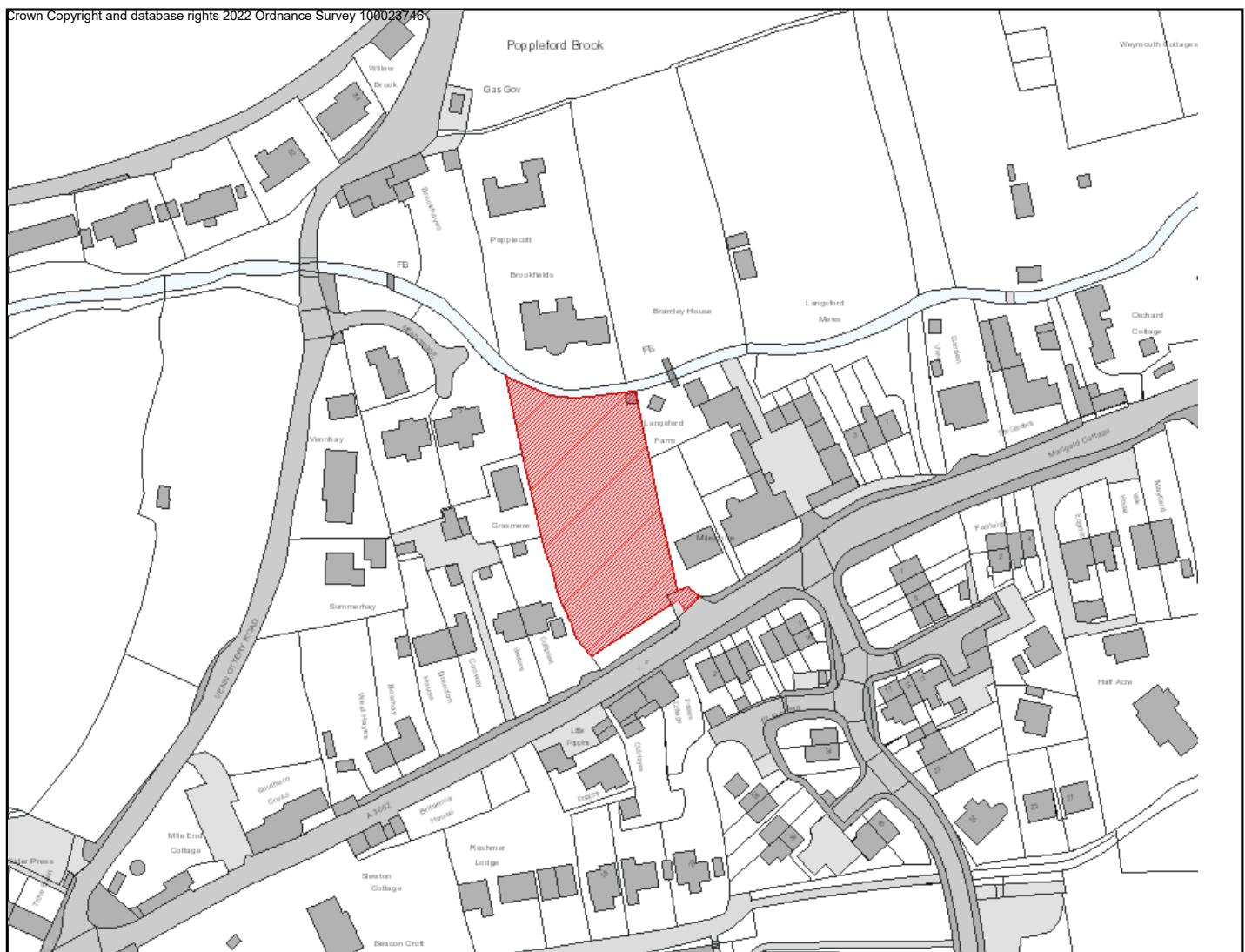
Applicant Mr S Tucker (OFAH)

Location Waterleat High Street Newton Poppleford Sidmouth EX10 0DU

Proposal Reserved matters application, pursuant to outline planning permission ref. 16/0218/OUT, for the approval of details of appearance, landscaping, layout and scale for the construction of 9no dwellings including the discharge of conditions 7, 10, 11, 12, 13 and 19 of planning permission 16/0218/OUT.



RECOMMENDATION: Adopt the included appropriate assessment and Approve the application with conditions



		Committee Date: 29.11.2022
Newton Poppleford And Harpford (Newton Poppleford And Harpford)	21/3308/RES	Target Date: 21.03.2022
Applicant:	Mr S Tucker (OFAH)	
Location:	Waterleat High Street	
Proposal:	Reserved matters application, pursuant to outline planning permission ref. 16/0218/OUT, for the approval of details of appearance, landscaping, layout and scale for the construction of 9no dwellings including the discharge of conditions 7, 10, 11, 12, 13 and 19 of planning permission 16/0218/OUT	

RECOMMENDATION: Adopt the included appropriate assessment and Approve the application with conditions

EXECUTIVE SUMMARY

This application is brought before the Planning Committee as the officers recommendation is contrary to the comments of the former ward member.

The application relates to a site approximately 0.245 hectares in area, until recently occupied by a property known as Waterleat House, located on the northern side of High Street (the A3052) towards the western end of the built-up area of the village as defined in the adopted Villages Plan.

Outline planning permission was granted in October 2019 for redevelopment of the site with a 9-dwelling scheme. Although access details, including realignment works to both sides of the High Street road carriageway, were approved at that stage, the remaining detailed matters, comprising the layout of the scheme, the scale and appearance of the development and the landscaping of the site, were reserved for later approval.

A section 106 agreement relating to the payment of an off-site contribution towards affordable housing was entered into by the then applicant in conjunction with the grant of the outline permission. The obligations that it contains are binding upon successors in title.

Approval of the outstanding matters reserved at the outline stage is now sought.

The submitted details, which have been amended following extensive officer negotiation, show a layout very similar to that submitted indicatively with the outline application, consisting of two pairs of two bedroom semi-detached units towards the front of the site with the remaining five dwellings, consisting of four two/three bedroom units and a further two bedroom dwelling, arranged in the form of a terrace behind them with a parking courtyard, comprising 19no spaces, laid out in between.

In the light of the combined constraining effects of the inclusion of the northern portion of the site within flood zones 2 and 3, a sewer easement and the requirement, by condition attached to the outline permission, to provide a minimum of two spaces per dwelling, it is accepted that the developable space available in which to provide 9 dwellings is such that the submitted layout represents the most appropriate - indeed largely the only - option, bearing in mind the specific quantum of development approved at the outline stage.

The scale of the units, as amended, is equally not thought to be unduly excessive when considered in the context of that of other existing neighbouring and nearby dwellings. Indeed, it meets with the relevant neighbourhood plan policy relating to maximum dwelling floor space. (However, notwithstanding, it should be recognised that this maximum space requirement equates to the minimum prescribed by the Government's nationally described space standards.)

Furthermore, it is felt that the dwelling heights would relate well to neighbouring development such that they would not appear unduly unsympathetic within the wider street scene or detrimental to the general character or appearance of this part of the village which is defined by a mix of dwelling forms, sizes, layouts, materials, etc.

The negotiated revisions to the palette of external wall and roof finishes, essentially involving the substitution of face brick for Cedral weatherboarding originally proposed, are also considered to represent an improvement to the scheme that would better reflect the character and appearance of surrounding development.

Similarly, although there remain details of elements of the landscaping of the site to be supplied to address conditions attached to the outline permission, the details that have been submitted at this stage are thought to be acceptable.

The application also includes information submitted to discharge conditions of the outline permission relating to drainage, levels and the mitigation of flood risk. Having been duly considered, and having regard to the comments received from the Environment Agency in relation to the flood risk mitigation issues, it is accepted that these conditions can be appropriately discharged.

Overall, having regard to the submitted details, and being mindful of the limitations upon the scope of considerations that is material at the reserved matters stage, it is not thought that any of the significant number of detailed points of concern that have been raised by the parish council, former ward member or interested third parties could be substantiated.

CONSULTATIONS

Local Consultations

Parish/Town Council (Comments re. second set of amended plans)

As previously mentioned, the Parish Council look forward to the completion of the development at Waterleat. The Parish Council appreciates that the latest revised plans, which were reviewed at the PC meeting of 25th July 2022, show a move towards the more affordable housing aim of 2 bed properties. 5 of the properties are now shown as 2 bed with a further 4 as 2/3 bed.

However the Parish Council continues to object to these revised plans on the basis that they do not fully comply with the 'made' Neighbourhood Plan for the parish.

In an area where parking is increasingly difficult as more and more residents have their own cars, it is essential that sufficient parking is allowed for in this new development. The Neighbourhood Plan (NHP) stipulates that new properties should have 1 parking space per bedroom. If the properties are officially designated as all 2 bedroom properties, then the development will require a minimum of 18 parking spaces. As it is, with the properties designated as 5 x 2 bed and 4 x 'up to 3 bed', the parking proposed would be insufficient. It is noted that the outline planning permission granted in October 2019 stated that both the layout and scale of detailed development was clearly a reserved matter, irrespective of the proposal in that application.

In terms of layout the site plan shown extends beyond the building line from Collipriest to Milestone. The PC believes the street scene would be improved by moving plots 1-4 Northwards in line with these neighbouring properties.

Plot 9 is shown on the site plan document 0176/PI/PSP/01 as just 5 meters from the wall of Grasmere, giving great concerns that the West elevation of this 2 storey property will be overbearing to the neighbouring property & will obscure light. It should be pointed out that the outline planning layout document 834/100 in 16/0218/OUT, referred to in the approval notice, indicates that the Western elevation would be approximately 10m from Grasmere.

Whilst the 'Street Scene' document 0176/PI/SSD/01 shows the proposed ridge heights in respect of the neighbouring properties Collipriest and Milestone, the scene diagram does not show the ridge height of Grasmere which is much closer to the proposed properties.

Bicycle & bin storage facilities continue to be inadequate, with the three mid terrace properties needing to pull through the house from back garden areas. This is in contravention to the Parish's 2021 NHP Policy HQD1.

Swift bricks and bee bricks should be incorporated into the design in accordance with the NHP policy HQD1 (h).

Parish/Town Council (Comments re. first set of amended plans)

Councillors had the opportunity to review the revised plans at the Parish Council meeting on Monday 23rd May.

Whilst acknowledging that the developers have responded to some of the concerns expressed in February by making 'minor alterations' such as EV charging and the provision of (inadequate) nest boxes the Parish Council cannot support this application.

The principal issue stems from the fact that outline planning envisaged 5 x 2 bed and 4 x 3 bed affordable properties in line with the identified needs of the parish. Outline planning was granted prior to the Neighbourhood Plan (NHP) being 'made', but this should not lessen its importance and the new detailed application should adhere to the democratically agreed policies of the NHP.

NHP policy H1: the requirement for smaller (and therefore more affordable) dwellings is not being fulfilled. Gross internal areas of the (revised) designs are 115m², 146m² and 190m², far exceeding the guide 93m² of policy H1. 3-bed, 3-storey 'high-end dwellings' do not provide the easy access and adaptable living for all members of the community as required. Reducing the size of the properties and providing one and 2-bed houses would alleviate so many of these concerns and meet the intentions of the NHP.

The increased number of bedrooms (from 22 to 27) in the 9 houses drives an increase in required parking spaces (one space per bedroom in accordance with NHP policy T1 (a)) which the proposed layout does not accommodate. The inadequate number of parking spaces is anticipated to exacerbate parking issues elsewhere in the village in contravention of policy T2 (d).

There is no provision for bicycle parking in contravention with policy T1 (b).

The proposed layout of the scheme has pushed the development further West, too close to the neighbouring property 'Grasmere' (although the applicant's incorrect location plan does not show this) and the intention to build into the loft spaces has raised required ridge heights beyond those of the immediate neighbouring properties, making the scheme overbearing (in contravention with policy HQD1(e)). In addition, the scheme puts the 4 semi-detached properties (plots 1 ' 4) in front of the 'building line' between 'Milestone' and 'Collipriest', the immediate neighbouring properties to the front of the plot.

A proper bin storage area needs to be designed in which would alleviate the problem of terraced houses having to store their rubbish in front of their properties to the detriment of the street scene.

The Parish Council is greatly concerned that the destruction of hedgerows and site clearance has occurred prior to any agreed (re)planting scheme in accordance with HQD1 (h) & (i). The removal of hedgerows requires for them to be either reinstated or an equivalent amount replaced elsewhere on the plot.

At least 9 swift bricks should be included in the site, plus bee boxes, bee bricks and insect houses.

The Parish Council reiterates its previous objections to this application and endorses recent comments made by other Consultees and members of the public.

Parish/Town Council (Comments re. original plans)

This proposal was discussed at a Parish Council meeting on 31st January 2022 and Councillors agreed unanimously to object on the following grounds:

High Quality Design ' Neighbourhood Plan Policy HQD1

It was noted that the development site layout differs from that approved under 16/0218/OUT with certain properties now sited closer to the A3052 and others closer to neighbouring properties. The building line and ridge height (10m) now appear to be out of keeping with neighbouring properties contrary to NHP Policy HQD1(e) and may adversely affect the amenity of those properties HQD1(s).

The size of the properties has increased from the original proposal with all 9 properties being 3 storey 3-bed dwellings of between 114 and 190 square metres which does not meet the demand in Newton Poppleford for small dwellings (max 93 square metres) contrary to NHP Policy H1. As 3 storey dwellings these properties do not provide easy access and adaptable living for all members of the community contrary to NHP Policy HQD1(r).

The developer has not provided sufficient information for proper consideration in the following respects:

HDQ1 (b) No information supplied as to how houses will be heated or insulated to mitigate fuel poverty. Similarly, the applicant has not indicated whether the development will incorporate carbon reduction measures HDQ1 (w).

HDQ1(e) Applicant has not submitted 'Streetscene' drawings to indicate how these properties incorporate a sense of place and how they have been informed by the character of the area.

HDQ1 (n) No information provided regarding the type of boundary with the A3052 or the materials to be utilised.

HDQ1 (q) No information provided regarding the construction methods to show how the developers will utilise sustainable construction methods and minimise the use of non-renewable resources. Similarly, no information has been supplied regarding the type or quality of the building materials that will be used and if these are sympathetic to the local area HQD1(x).

Trees and Hedgerows

Retention of individual trees and hedges is a priority for the Parish as all are beneficial to wildlife and help counter the effects of greenhouse gases and carbon emissions. They also soften the visual impact of new development. The Arboricultural Report prepared in 2016 indicates the removal of trees and hedgerows from the site with no indication on the site plan of reinstatement or replacement contrary to Policy TH1. The removal of trees/hedgerows will create breaks in the green linkages in and around the

site contrary to HQD1 (i). There is no indication that the developers intend to maximise opportunities for 'greening' the built environment as required under HQD1 (h).

Wildlife Habitats

Policy HQD1 (h) requires that developers maximise opportunities to protect and enhance existing wildlife habitats. The applicant has not provided any information as to whether items such as swift bricks, bee boxes, bee bricks and insect houses will be provided.

The proposal contravenes the Neighbourhood Plan in the following respects:

HQD1 (j) Schemes for more than 5 dwellings should include variation in design detail to maintain the variety of building that is characteristic of the village.

NH Policy T1 (a) There is inadequate provision of car parking spaces and secure bicycle spaces. The parking spaces as shown do not appear to be of sufficient size and there appears to be no provision for EV charging contrary to NHP Policy T1(c). Any shortfall of parking spaces in this development will exacerbate existing parking problems in the vicinity of the site contrary to NH Policy T2 (d).

Newton Poppleford and Harpford - Cllr V Ranger (Comments re. first set of amended plans)

In its current format I object to this application.

I fully endorse the comments made by the Parish Council and the comments from Mrs Gill Cameron-Webb of the Neighbourhood Plan Steering group in her very detailed objection, the RSPB officer and the other public contributors who raise environmental issues and impact on nearby Grasmere.

I note that at Outline planning in 2016, all matters were reserved except for Access so there is scope for change to ensure the village gets the sustainable housing it deserves.

H1 Neighbourhood Plan - in the current format and given the constraints of the flood risk to the site there is room for change the 9 x 3 bedroom, 3 storey proposed housing. This could be done either by reducing the height of the houses (from 3 storey to 2 storey) or reducing the number of properties to comply with the housing needs of the village, which is for smaller houses and those which can be adapted for those with changing needs and accessibility. This flat site would be most suitable for providing houses which comply with Policy H2 to cater for those with mobility issues being based close to bus stops to reduce the need for driving; although I fully accept the reduction in bus services in the village and the cost of buses does not encourage their use.

There is no variation in design with the exception of property 9. The fact that 4 of the houses are semi-detached and 5 are terraced is irrelevant. The layout is identical in these houses and visually they look the same.

Less or smaller houses would also help to address the issue of parking spaces. In order to comply with the adopted Neighbourhood Plan this site requires 3 parking

spaces for 3 bedroom properties owing to the well-established difficulty of parking within Newton Poppleford, acknowledged by the Neighbourhood Plan Inspector. They walked the village when considering whether the Neighbourhood Plan was sound and having witnessed for herself the folly of allowing new houses to be built without adequate parking (See King Alfred Gate where cars park on the pavement because of a lack of adequate parking on site) supported the inclusion of one parking space per bedroom for new properties. I accept the size of the proposed parking spaces are standard size, but this would not allow for the inevitable motor homes and work trucks that are more common now and does not allow for sufficient visitor parking. Will the parking spaces be designated or a free for all?

Policy HQD1 ' Given that there should be no sheds, fences or buildings put up in the gardens of houses 5-9 due to the risk of flooding ' where will houses 6-8 keep their lawn mowers and gardening equipment? Even if permitted development rights are removed I can see planning applications coming in at a later date for the erection of these as happened at Brook Meadows.

I am also concerned with chemical run-off from the gardens directly into Back Brook given the proximity of residential gardens and recent concerns about river pollution.

There should also be a condition forbidden the building of steps or 'jetties' down to Back Brook by properties 5-9 which has happened at the Holmdale development in Station Road and which subsequently caused a meander in Back Brook and bank erosion.

Ridge height/roof line ' as previously stated in my comments for outline planning, Langsford Mews further down the High Street shows how much more attractive two story houses are in the village, far less obtrusive to the street scene and fitting well into the existing housing. The aerial photo on page 9 of the FRA shows Langsford Mews and its 3 houses and I think demonstrates well how cramped this site will be with 9 houses and its associated service road and parking spaces. If the site is raised to reduce the flood risk to property, this will exacerbate the higher roof line.

FRA ' it is surprising to read that no searches produced evidence of flooding on site. A simple search Flooding Newton Poppleford 2008, 2009 and 2012 brings up photos of this. Here is an example from 2008:

Newton Pop hit by freak floods | Sidmouth Herald

EP1 Neighbourhood Plan - The applicant seems reluctant to provide the most basic of requests, for example swift bricks in ALL houses, not just most. There must be clear hedgehog highways and bee bricks. There is a lack of adequate greening on site with regard to trees and hedges to replace that which have been totally removed ahead of planning permission being granted and would also reduce flood risk and bank erosion which this area is very susceptible to. Hedges should be planted in preference to the proposed wooden fencing for the same reason.

I note the comments from the 2016 application from SWW and wish to be assured that the current sewage system can cope with the increase in housing numbers of this site and that surface water is being dealt with adequately.

Foul Sewerage Services - South West Water advised a Planning Condition to emphasise that: Foul drainage from the Development (and no other drainage) shall be connected to the public foul or combined sewer. Reason: To ensure the discharge of drainage from the Development shall not be prejudicial to the public sewerage system and ensure there are adequate public foul sewerage facilities to receive foul water flows, in order to safeguard the public and environment. Surface Water Services The statutory Water and Sewerage Undertaker supports the Planning Policy Guidance for Flood Risk & Coastal Change statement. To accompany its planning 16/0218/OUT application, the applicant must demonstrate how its proposed development will have separate foul and surface water drainage systems and not be detrimental to existing infrastructure, the public and environment (and that any provisions for protecting infrastructure have been agreed with SWWL as service-provider). The applicant should demonstrate to your LPA that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable (with evidence that the Run-off Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable):

1. Discharge into the ground (infiltration); or where not reasonably practicable, Provide written evidence as to why Infiltration devices, including Soakaways, Swales, Infiltration Basins and Filter Drains do not meet the design standards as specified in either H3 Building Regulation standards for areas less than 100m². Soakaways serving larger areas must meet the design standard specified in BS EN 752-4 (para 3.36) or BRE Digest 365 Soakaway Design.
2. Discharge to a surface waterbody; or where not reasonably practicable, Provide written evidence for refusal of discharge consent from owner of water body (Environment Agency, Local Authority, Riparian Owner etc.)
3. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable, Provide written evidence for refusal of discharge to drainage system (Highway Authority, Environment Agency, Local Authority, Private ownership)
4. Discharge to a combined sewer.(Subject to Sewerage Undertaker carrying out capacity evaluation) South West Water will carry out a hydraulic capacity review of the combined sewerage network before permission will be granted to discharge to the combined sewer.

EDDC Trees ' I would like to see an updated report from the EDDC Trees officer on how more greening could be incorporated into the site given our new Climate Change Emergency policy.

Mrs Gillian Cameron Webb (Objects) (Comments attached to Cllr. Ranger's observations)

I was on the Steering Group for the Newton Poppleford and Harpford Neighbourhood Plan which was voted in by 87% on 6/5/21. I object to the updated Planning Application 21/3308/RES because it still fails to deliver many of the Neighbourhood Plan policies.

Relevant Neighbourhood Plan Policies and Objections:

T1 a)

There should be 27 off road car parking spaces (1 for each bedroom) so the application is still 7 spaces short.

Also, 9 secure bicycle parking spaces should be provided but there are none.

Although item 19 of the Outline Planning Application stipulates only 2 parking spaces per house this is superseded by the Newton Poppleford and Harpford Neighbourhood plan which is more recent.

It would be better if these were two bedrooomed houses as the space available for parking would then be sufficient.

T2 d) - because the development only has 20 parking spaces this will exacerbate existing parking problems in the village.

The Objection Report (re Val Ranger comments) says residents won't have to park outside the development. However as these are 3 bedrooomed family homes it's highly likely that there'll be more than 2 cars per house so additional family cars and visitor parking will have to park elsewhere.

The inadequate parking availability will result in cars parked haphazardly around the development which will be detrimental to the street scene. Any overflow parking on the side of the development's drive-in could impede visibility and access to the A3052 and cause congestion which could prevent access to the development by large vehicles (e.g. refuse trucks)

Overflow parking onto the A3052 will cause a danger. Also the central island referred to as a safe pedestrian crossing near the bus stop does not meet the national standard of 2m width, so cannot be considered safe.

TD1 b) and HQD1 s)

The new layout contravenes Section 8 of the decision notice which states that the details of the scale and site layout shown in the approved drawings, with the exception of the access layout, shall be treated as indicative.

However the 5 house terrace has been moved further west and house 9 is now too close to the neighbouring property

Grasmere where it will be imposing and result in a loss of light.

The Site Plan is wrong. It labels Grasmere house as being much further west than it really is, Grasmere actually abuts the site's western boundary and is directly adjacent to the dividing hedge.

H1 - the development does not meet the requirement for smaller dwellings requested in the Neighbourhood Plan (93sq m).

It would be preferable if these were one or two bedrooomed houses as this would better deliver this requirement as well as alleviating the inadequate parking.

H2 - the development does not meet the requirement for housing which caters for those with mobility issues as none of the houses is single storey and none are one bedoomed.

HQD1 u) - No street lighting is shown on the layout. There should be street lighting near the car parking area to help prevent crime.

EP6 b) - However, need to make sure the light doesn't affect neighbouring properties.

HQD1 and BfL (12) - 12

The amended plan has moved bin storage into the back gardens for units 6, 7 and 8 where they will become wet and dirty, but residents will have to pull them through their houses to be collected as they have no side alleys. These bins will end up being kept at the front of the houses which will be detrimental to the street scene.

The Arboricultural Report was signed off in 2016 without any new trees or hedging being proposed, before the Neighbourhood Plan was 'Made'.

However, as the Arboricultural Report was resubmitted in 2022 it should have been updated to include replacement trees and hedging to meet requirements in the Neighbourhood Plan which was 'Made' on 6th May 2021.

TH1 b) - five new trees should be planted to replace those cut down but the Site Plan doesn't show any new trees being planted.

TH1 e) and 4) - The Site Plan doesn't show any new hedging being planted to replace the three areas cut down.

The site plan does show 15 un-numbered green circles which imply new planting, however there is no commitment in the application to plant anything within those green circles.

HQD1 b) - this policy requires the development to mitigate fuel poverty. However the Objection Report (Parish Council) shows that all 9 units will be fitted with gas boilers which at a time of escalating gas prices will significantly increase fuel poverty. A more sustainable energy solution should be provided.

HQD1 e) - It looks like the 10m ridge heights for the new houses will be higher than neighbouring properties especially as the houses will additionally be on raised ground because of flood risk. This will cause the new houses to be imposing to neighbouring properties, especially Grasmere.

EP2 - The updated application shows that re-profiling will raise the level of land within the development and the Flood Risk Assessment shows that the development will cause increased runoff. However the application doesn't show how the increased risk of flooding to neighbouring properties will be avoided even though they're extremely close and on lower land.

EP2 d) The Flood Risk Assessment recommends SUDS techniques to manage run off. However only 1 of the 7 possible techniques will be provided, not because this is the appropriate solution but because the site is too cramped to provide the other 6 SUDS techniques. This is unacceptable, the flood risk must be properly managed.

HQD1 g) - The planning application does not show how the power and telephone lines will be installed.

HQD1 h) - The planning application does not show how it will protect and enhance wildlife habitats:

i) The 5 artificial house martin nest boxes shown for units 5 - 9 are welcomed but are less than the full requirement of 9 swift bricks. Therefore an additional 4 swift bricks should also be installed within the development.

ii) The boundaries are now shown as feather edged fencing but this has no environmental benefit. As a minimum gateways should be raised and gaps made through fences to provide hedgehog highways. However hedge boundaries would be far preferable as they would replace the hedging previously removed, provide hedgehog highways and contribute to the greening and sustainability of the development.

iii) no solitary bee boxes, bee bricks and 'insect houses' are shown

iv) no green walls or living roofs are shown

v) no proof that there are no panels of glass dangerous to birds

vi) 5 existing trees and 2 areas of hedging have been taken down and not replaced

HQD1 i) It's clear from the Arboricultural Report that there big breaks in the green 'linkages', some of the breaks caused by removal of trees and hedging to facilitate the development. New hedging should be planted to provide continuous green linkages.

HQD1 j) - There are more than 5 houses but from the elevation diagrams there are no variations in design detail which is required by this policy

HQD1 n) and HQD1h) ii) - The planning application shows that the boundaries will be feather edged fencing but doesn't state the height of the fencing. Also the fencing is shown as reaching down to Back Brook despite the Environment Agency requirement that 'this area to be kept as open green space free of development such as sheds or fences and left to function as natural flood storage area'.

HQD1 w) - There is an acknowledged climate emergency but the planning application does not show how the development will implement sustainable measures such as rain water capture and carbon reduction measures (e.g. solar panels or water heating panels).

HQD1 x) - The planning application does not show that the materials to be used are sympathetic to the local area.

Newton Poppleford and Harpford - Cllr V Ranger (Comments re. original plans)

I note the comments of the EA and share their concerns. These comments should be added to my previous comments which have not yet been addressed.

I am very concerned about the undue haste in raising everything on site to the ground without full pre-demolition approval, I cannot see for example a protected species survey. Is a CEMP in place? I hope the LPA will ensure that no attempt will be made to start work on foundations and footings without prior approval of design and layout.

I would like to see how a safe crossing of the A3052 will be incorporated into the plans; this may rely on some goodwill on the part of the applicant to work with DCC to ensure this happens.

I will comment further as plans come forward.

Further to my previous comments, please see ED adopted Local Plan, which is now well established, Strategy 38. This is in addition to the more recently adopted Neighbourhood Plan and comments from the Parish Council and the public. These policies urgently need addressing before any further work takes place on site and I hope the LPA will ensure this is the case.

All potential applicants need to be aware that it is easy to check on Google Earth what demolition has taken place historically. It does not just show the current situation. There is very superficial information provided at the current time in order to comment on this application. I am unable to ascertain at present if the original access has been created as agreed at Outline.

In terms of reserved matters, I am unclear about road widths, parking space sizes which match the number of bedrooms new properties have, visitor parking, ridge height, finishing materials, refuse arrangements, landscaping including Climate Emergency considerations nor compliance with a number of the most recent neighbourhood Plan policies.

Once more information comes forward, I will comment further. Thank you.

Technical Consultations

Environment Agency (Comments re. original plans/FRA; comments re. amended plans/FRA awaited)

Thank you for consulting us on this proposal.

Response

We object on the grounds of flood risk.

Reason

As part of the development site is within Flood Zone 3 the sequential test is required to be passed.

Ground elevations and finished floor levels (FFL) should be marked on plans and drawings. It is also not completely clear if the ground levels are being raised or if it is just the individual floor levels of the properties that are being raised. We would recommend that ground levels of the site are raised including the car parking and paths to ensure safe access and egress during a flood event.

Although 600mm freeboard had been previously agreed with the Environment Agency for past applications, climate change allowances and relevant guidance have since been updated. The FRA has compared increase in fluvial flow against the 0.1%AEP modelled levels and has, as a result, taken the 0.1%AEP level to be the 'worst case event' and used in the place of the 1%AEP climate change level.

In general we accept this approach but there is low confidence and as the area has previously flooded before we therefore recommend FFL to be set 900mm above the flood level of 35.55mAOD rather than 600mm.

It is presumed that riparian responsibility for the watercourse will be passed to the property owners of the retrospective land parcels 5 to 9.

The outline proposals show an area of land to be lowered adjacent to the watercourse and condition 13 links to this re-profiling work, however no detail has been provided for the re-profiling of northernmost part of the site.

There are no details to the landscaping of the northern area of the site. Property gardens are in the flood zone area and there is no mention of boundary fences. This area should be kept as open green space free of development such as sheds or fences and left to function as natural flood storage area.

Advice to the LPA

We will maintain our objection until the applicant has supplied information to demonstrate that the points above are address and the flood risks posed by the development can be satisfactorily addressed.

Devon County Highway Authority

The County Highway Authority (CHA) has visited the site and reviewed the application.

There are a couple of questions that I picked up from this project.

One is that I am not sure if the bin store layout is just indicative or if all of the bins are accessible, even if the adjacent parking space is occupied. A re-location or engineering/mechanical solution may be possible if not.

Another question I had was whether electric charging points were going to be provided for vehicles as this is now a requirement for residential developments.

A construction and environment management plan (CEMP) will be needed to help mitigate activity disruption during the construction process. In addition to secure cycle storage though these two requirements can be conditioned to be implemented at later stage.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, IS LIKELY TO RECOMMEND REFUSAL IN THE ABSENCE OF FURTHER INFORMATION

Officer authorised to sign on behalf of the County Council
29 March 2022

Other Representations

Representations of objection have been received from five interested third parties across three rounds of consultation. A further 'neutral' representation has been received from the RSPB.

Summary of Grounds of Objection

1. Contrary to Policies T1, T2, EP2, H1, H2 and HQD1 of the Newton Poppleford Neighbourhood Plan.
2. Too close to existing properties which will cause unacceptable privacy, noise and light pollution problems.
3. Application is not accompanied by a protected species survey.

Summary of Further Comments

1. Ecological mitigation measures fall short of what is required under best practice and the Newton Poppleford Neighbourhood Plan.

PLANNING HISTORY

Reference	Description	Decision	Date
16/0218/OUT	Demolition of the existing dwelling and construction of 9no. dwellings and highway alterations (outline application with all matters reserved except for access)	Approval with conditions	07.10.2019

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 27 (Development at the Small Towns and Larger Villages)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

EN7 (Proposals Affecting Sites which may potentially be of Archaeological Importance)

EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment System)

EN21 (River and Coastal Flooding)

EN22 (Surface Run-Off Implications of New Development)

TC9 (Parking Provision in New Development)

Made Newton Poppleford & Harpford Neighbourhood Plan 2020-2031 Policies

T1 (Adequate Parking)

EP1 (Conservation and Enhancement of the East Devon AONB and Natural Environment)

EP2 (Minimising Damage to Existing Properties)

EP4 (Surface Water Runoff)

EP5 (SuDS Design and Management)

H1 (Meeting Demand for Smaller Dwellings)

TD1 (Infill and Garden Developments and Extensions Within the Built-up Area Boundary)

HQD1 (Maintain the Built Character of our Parish through High Quality Design)

TH1 (Trees and Hedgerows)

Government Planning Documents

NPPF (National Planning Policy Framework 2021)

ANALYSIS

Site Location and Description

The site, which extends to approximately 0.245 hectares in area and is now vacant, is located on the northern side of High Street (the A3052) towards the western end of the village as defined in the adopted Villages Plan.

Until it was demolished earlier this year, it housed a large detached property known as Waterleat House that had been vacant for some time. It was positioned around midway back within the plot and occupied a considerable part of its width. The entirety of the site area surrounding it comprised its curtilage with the rear garden extending northwards to the Back Brook, which formed its northern boundary.

The 'front' boundary comprises a brick wall, set back from the road and footway alongside it by a grassed strip of land - that extends across much of the width of the site - that is in separate ownership. Vehicular access into the site off High Street is positioned at its south eastern corner and shared with the neighbouring residential property to the east, Milestone.

The site is not itself the subject of any specific designations or constraints. However, the whole of the village is within the designated East Devon Area of Outstanding Natural Beauty (AONB). In addition, a portion of the rear part of the site alongside the Back Brook, amounting to approximately one quarter of the overall site area, is within flood zones 2 and 3.

Background

Outline planning permission was granted, in October 2019, for the demolition of Waterleat House and the redevelopment of the site with nine dwellings.

Although details as to the layout and landscaping of the site and the scale and appearance of the dwellings were reserved for later consideration, access details - involving alterations to the entrance and the re-alignment of kerbs on both sides of the High Street road carriageway - were approved at the outline stage.

However, the application submissions did also include an indicative layout for the scheme. This showed the dwellings arranged in two parallel rows across the site in the form of two pairs of semi-detached units nearer to the front of the site with the remaining five units laid out in a terrace in a position set slightly to the rear of the footprint of Waterleat House with one end of the terrace adjacent to part of the western site boundary with Grasmere, a neighbouring chalet bungalow.

The position of the terrace was also shown to be outside of the area of a 9 metre easement to both north and south of the position of mains sewer running through the site from west to east.

The plan also indicated a layout of 18 parking spaces within the area between the two groups of houses.

Despite the policy (Local Plan Strategy 34) requirement for the payment of an off-site financial contribution towards affordable housing, in lieu of on-site provision, an open book viability assessment was provided with the application to demonstrate that the scheme would not be viable if the full contribution were required.

However, given the indicative nature of the scheme, the assessment contained several scenarios and, with its scale not being finalised until the reserved matters stage, it was acknowledged that the viability of the final proposals could be very different to that of the indicative scheme.

In line with practice in relation to other residential development schemes elsewhere, a section 106 agreement was therefore entered into with the then applicant setting out obligations requiring the carrying out of a review of the appraisal at the post-reserved matters determination stage in order to establish if the scheme is viable and therefore able to sustain the payment of an affordable housing contribution via a calculation that takes overage into account.

The application was referred to the then Development Management Committee in October 2016 with the recommendation to approve (subject to the section 106 agreement being entered into) being agreed.

Proposed Development

Approval is now sought for the approval of the details of the development that were reserved at the outline stage; namely those relating to the scheme layout, the scale and appearance of the dwellings and the landscaping of the site referred to above.

Following extensive negotiations, these now show a layout very similar to that shown indicatively under application 16/0218/OUT. It comprises two pairs of semi-detached dwellings (plots 1-4) positioned nearer to the front of the site and a terrace of five units (plots 5-9) set further back with a total of 19 parking spaces laid out, in two rows, between the two groups of houses.

The internal layout incorporates a turning head of sufficient size for the manoeuvring of waste and other larger service vehicles together with a new vehicular entrance off of the principal estate road to provide access to the rear garden of Milestone in place of the present front entrance which would be encompassed within the proposed realigned and widened entrance to the development.

All of the dwellings would be two storey in height. Five would be two bedroom with the remaining four incorporating a 'third bedroom/office'.

The layout details show bin and recycling storage facilities and water butts for each plot alongside 'allowance for an electric vehicle charger'. Air source heat pumps and solar panel arrays would be installed, respectively, with and on the principal (south-facing) roof planes of, each unit.

Measures to enhance biodiversity have also been incorporated into the scheme, comprising the installation of bat boxes, bee bricks and swift bricks on each unit together with seven access holes for hedgehogs within fencing throughout the site.

Considerations/Assessment

The submitted details are considered against the various reserved matters as follows. Where appropriate, the comments of the parish council and ward member are addressed in the assessment.

Layout

As stated, the layout largely reflects that shown indicatively with the outline application. Whilst the approval of layout details was not sought at that stage, the indicative layout was commented upon by officers in the report presented to the Committee as follows:

'Through negotiation, the scheme has been reduced to 9 dwellings (having originally been submitted as a scheme for 12 units arranged in two terraces and including only 20 parking spaces) and 18 parking spaces (2 per dwelling). The new indicative layout reduces the rear terrace to 5 dwellings and allows for a gap of about 10 metres between the end of the terrace and Grasmere. The terrace of 4 houses and 2 flats at the front has been reduced to 4 dwellings arranged as two pairs of semi-detached houses. They have also been moved further into the site so that they are more in alignment with the dwellings on the adjacent plots.'

The revised scheme demonstrates that 9 dwellings can be accommodated on the site without harming neighbour amenity. The splitting up of the front block and moving it

back also results in a form of development which is more compatible with the pattern of dwellings on that side of the road. Although tandem development is not a characteristic of the area, it represents an efficient use of the land and is not dissimilar to the way in which King Alfred Way and Capper Close have been developed on land behind the road-fronting development.'

The acceptance of this analysis of the indicative layout is reflected in Members' resolution to grant permission for a development of nine dwellings on the site. The proposal for consideration involved this specific number of units and was not made on the basis of 'up to' this number with some degree of flexibility built in to enable both developer and Local Planning Authority to review this at the later stage.

It is also highlighted that the portion of the site that is within the flood zone and the easement, both referred to above, together represent a significant constraint upon the developable area within the site. They effectively sterilise around one quarter of it, thereby leaving a considerably reduced area within which to accommodate nine dwellings, as approved.

These matters were presented to Members at the time of the original resolution to grant permission and, were it not thought possible to accommodate this quantum of development within the remaining area of the site, it must be considered unlikely that this would have been forthcoming.

In the light of this, in general terms it is difficult to envisage how a scheme for nine dwellings could otherwise be laid out within the site than as presented whilst also incorporating the level of associated vehicle parking provision required to meet condition 19 of the outline permission which stipulates a level based upon two parking spaces per dwelling.

Indeed, the intended accommodation of 19 spaces represents a very slight over provision. As such, it is not thought that the concerns that have been expressed regarding lack of adequate parking provision could reasonably be upheld in opposition to the submitted details on this ground. Despite the level of provision not meeting the requirements of the Neighbourhood Plan, these cannot override the condition attached to the extant outline permission which sets out the requirement for two spaces per dwelling.

Moreover, no comments relating to the number or size of parking spaces have been made by the Highway Authority in its consultation response. However, its observations relating to the provision of electric charging points have been addressed through the submitted revisions to the details. Furthermore, in response to the query regarding the accessibility of the bin/recycling storage facilities to the three central units within the rear five-dwelling terrace (i.e. plots 6, 7 and 8), it has been confirmed, via reference to the submitted floor plans, that ground floor passageways separating plots 6 and 7 and 7 and 8, enabling rear access to all three plots, would be provided. (In elevation, these passages are shown with gated front entrances.)

The issue of the close proximity of plot 9 to the site boundary with Grasmere is duly acknowledged. However, the revisions to the scheme show it repositioned further from

this boundary than previously and largely in line with the indicative layout presented at the outline stage.

Furthermore, it is felt that the intervening presence of the existing hedge that defines the western site boundary would help to a degree to mitigate the level of impact that would be caused in this regard.

The general positioning and orientation of the terrace comprising plots 5-9 is, as stated above, largely consistent with the indicative layout given consideration at the outline stage.

Drawing together these various factors therefore, it is considered that the submitted layout details are acceptable.

Scale

The submitted revised details now show the five two bedroom units to be of identical footprint area to each other; likewise with each of the two/three bedroom dwellings. Plots 1-4 and 7, the two bedroom dwellings, would all be of slightly narrower width than plots 5, 6, 8 and 9, which would comprise the three bedroom units.

However, all of the dwellings would be of an identical height with no variation in roof ridge levels across plots 1-4 or 5-9.

Street elevation and levels details that have been provided that also illustrate that the roof ridge height of plots 1-4 would be around 1.4 metres lower than that of Collipriest, the immediate neighbouring property to the west of the front part of the site. Although shown as being 2.1 metres higher than Milestone to the east, it should be noted that this property is a chalet bungalow. Plots 5-9 would be set at a slightly lower level.

As stated above, the units would all be two or two/three bedroom properties in line with Policy H1 of the Neighbourhood Plan. Each would also comply with the maximum 93 square metres gross internal floor space applied by the policy. (It is highlighted that this standard set out in Policy H1 equates to a median figure within the 84 - 102 square metres range set out as a minimum within the Government's technical housing standards nationally prescribed space standards.)

In terms of footprint area, none of the proposed units would exceed that of any of the existing two storey properties adjacent to and in the vicinity of the site.

As such, it is considered that the overall scale of the proposed dwellings, again allowing for the site constraints, would be acceptable.

Appearance

The palette of external wall and roof finishes has also been the subject of negotiation through the course of the application and it is now proposed that these comprise Terca Ashington Red Multi face brick up to ground floor window head level with Limestone White K Rend render above beneath Smooth Grey Marley Plain concrete roof tiles. Windows and bi-folding doors would be PVCu and aluminium-framed respectively and

of Anthracite colour whilst front doors are to be composite and Olive in colour and the window heads and cills would be formed in 'Bath' colour Serene Wetcast stone.

This represents a revision to the original details that incorporated blue/grey Cedar weatherboarding, at first floor level, over render as the external wall finishes. However, the use of weatherboarding was not considered to be characteristic of existing development in the vicinity of the site and the inclusion of a part brick finish was therefore negotiated given the proximity of the site to the converted former farm buildings attached to Langsford Farm to the east of the site.

These are thought to represent an improvement to the appearance of the development and, taken together with the form and design of the units themselves, area considered to be acceptable in the light of the existing variety of dwelling and building forms within this part of High Street.

Landscaping

The submitted details show the retention of the existing hedge, together with a Beech tree, along the western boundary of the site along with five existing smaller trees - 3no Apples, a Hazel and a Mulberry - positioned towards the north western corner of the site that would form parts of the rear gardens of plots 8 and 9.

Condition 6 of the outline permission, requiring the submission for approval of details of the means of protection of these, was discharged in January this year and some protective fencing - in line with the approved details - has since been put in place.

Elsewhere, a vertical boarded timber fence, to replace a very similar fence, has been constructed along the eastern site boundary whilst a tarmac surface finish is envisaged for the access road, turning head, entrance to Milestone and the parking spaces.

These details aside, it is proposed that the internal plot boundary treatment(s) and the intentions for the 'front' boundary wall be reserved for consideration in conjunction with the discharging of condition 14 of the outline permission. However, it has been suggested by the applicants that the latter could possibly be replaced with a stone wall. However, no further details as to these elements of the landscaping for the site have yet to be provided.

It is also noteworthy that the form, design and appearance of the proposed treatment of the rear garden boundaries between plots 5-9 may well be required to take into account the need to facilitate the maintenance of flood flow paths given their partial location within the flood zone.

However, the details that have been supplied in relation to the hard and soft landscaping of the site to date are considered to be acceptable.

Discharge of Conditions

The application also seeks the discharge of a number of the conditions attached to the outline permission as follows:

Condition 7 (Schedule of Materials and Finishes) - This has been provided and is duly considered under the 'Appearance' reserved matter above. As stated, the negotiated

revised palette of external materials and finishes is thought to be acceptable and, as such, this condition may be regarded as being discharged.

Condition 10 (Written Scheme of Investigation of Programme of Archaeological Work) - A document, prepared by South West Archaeology, has been provided setting out a programme of archaeological works. It has been referred to the Historic Environment Team (HET) at Devon County Council and found to be acceptable. Written confirmation from the HET has been provided to this effect.

Condition 11 (Details of Surface Water Drainage Scheme) - A Drainage Strategy plan has been supplied that shows details proposing an attenuated discharge of surface water drainage to the Back Brook via the installation of an attenuation tank to meet the requirements for a 1 in 100 year plus climate change (40%) event.

There is no objection to these details.

Condition 12 (Details of Finished Floor Levels) - These details have been provided and, in conjunction with the revised flood risk assessment, referred to the Environment Agency (EA) for further comments. In response, the EA have confirmed that these details are acceptable.

Condition 13 (Details of Re-profiling of Site adjacent to Back Brook) - As per condition 12 above.

It has been agreed that the discharge of conditions 5 (Highway Engineering Details) and 14 (Details of Boundary Treatments) of the outline permission is to be applied for separately from this reserved matters application.

Other Matters

The following issues, raised by the parish council, ward member and interested third parties, that are not specifically addressed elsewhere within the report are considered in turn below.

Lack of affordable housing as envisaged at outline stage - Under the provisions of Local Plan Strategy 34, the direct provision of affordable housing was not required. A financial contribution towards off site provision was therefore sought. However, a viability appraisal was submitted that demonstrated that a full, policy compliant level of contribution could not be provided without affecting scheme viability. In the light of this, the section 106 agreement was entered into with the applicant to enable the viability of the scheme to be re-examined after approval of the reserved matters and any overage payment duly calculated. This would be in lieu of any direct affordable housing provision and would be entirely compliant with the Local Plan strategy. There is therefore no requirement for such provision through the approval of the reserved matters.

Insufficient ecological mitigation - Condition 17 of the outline permission requires the development to be carried out in accordance with the recommended measures for mitigation set out in updated and extended phase 1 habitat survey and bat and breeding bird update survey reports that were provided at that stage.

As such, taken together with the submitted biodiversity enhancement measures set out above (i.e. the provision of bat boxes, swift bricks, bee bricks and permeability through the site for hedgehogs), it is considered that the scheme does now incorporate sufficient ecological mitigation to meet the requirements of neighbourhood plan policy.

Absence of crossing of the A3052 - A crossing has never been required as part of the development by the Highway Authority. Indeed, there is a crossing point, adjacent to bus stops on both sides of the road carriageway, with a central pedestrian island around 90 metres to the east of the site.

Failure to address Local Plan Strategy 38 – It is thought that the incorporation of a sufficient level of sustainable design and construction methods, climate change resilience, mitigation of adverse effects and biodiversity improvements within the submitted proposals has now been incorporated within the scheme to the extent that refusal of the details on grounds to the contrary could not reasonably be sustained.

Future requirement for outbuildings - Permitted development rights for the construction of ancillary outbuildings were only removed (by condition attached to the outline permission 16/0218/OUT) from the area of the northern portion of the site where re-profiling of the land immediately adjacent to the Back Brook is required. It is anticipated that sufficient space would be retained within the rear gardens of plots 5-9 to enable these rights to be exercised.

Chemical runoff from gardens into the Back Brook - There is no evidence to support concerns regarding any potential increase in the incidence of runoff as a result of the development. No objections were raised by the Environment Agency on such grounds at the outline application stage.

Provision of steps or 'jetties' running down to Back Brook – No development of this type is proposed at this stage and any future such proposals would remain within the control of the Local Planning Authority owing to the likelihood of their requiring a grant of planning permission in their own right.

Failure to address sustainability issues – The revised proposals incorporate electric charging points, cycle storage facilities, air source heat pumps and solar panels for each of the units.

Specific details, specifications, etc. relating to all of these measures, aside from the air source heat pumps, have now been provided. The applicants have advised that any condition to secure submission of details of the air source heat pumps would be acceptable.

Whilst there is always room for additional measures to be incorporated, and there is an acknowledgment that provision would, in some cases, in any event meet current mandatory standards relating to new dwelling provision, it is nevertheless considered that any perceived shortfall in seeking to address matters of sustainable construction, the use of renewable energy resources and the inclusion of biodiversity enhancement measures would not, on its own, now amount to sufficient grounds upon which the resist the detailed proposals in the wider planning balance.

Habitat Regulations Assessment and Appropriate Assessment

The nature of this application and its location close to the Pebblebed Heaths and its European Habitat designations is such that the proposal requires a Habitat Regulations Assessment. This section of the report forms the Appropriate Assessment required as a result of the Habitat Regulations Assessment and Likely Significant Effects from the proposal. In partnership with Natural England, the council and its neighbouring authorities of Exeter City Council and Teignbridge District Council have determined that housing and tourist accommodation developments in their areas will in-combination have a detrimental impact on the Pebblebed Heaths through impacts from recreational use. The impacts are highest from developments within 10 kilometres of this designation. It is therefore essential that mitigation is secured to make such developments permissible. This mitigation is secured via a combination of funding secured via the Community Infrastructure Levy and contributions collected from residential developments within 10km of the designations. The financial contribution has been secured. On this basis, and as the joint authorities are working in partnership to deliver the required mitigation in accordance with the South-East Devon European Site Mitigation Strategy, this proposal will not give rise to likely significant effects.

RECOMMENDATIONS

1. That the Habitat Regulations Appropriate Assessment be adopted.
2. That the application be APPROVED subject to the following conditions:
1. East Devon District Council as Local Planning Authority HEREBY APPROVE THE FOLLOWING RESERVED MATTERS of the above described development proposed in the application numbered as shown above and in the plans and drawings attached thereto:-

- (a) Appearance
- (b) Landscaping
- (c) Layout
- (d) Scale

This Reserved Matters application numbered as shown above is made pursuant to the Outline Planning Permission 16/0218/OUT granted on 7th October 2019.

The following reserved matters have yet to be approved:

None

The following Conditions attached to the Outline Planning Permission (ref. 16/0218/OUT) referred to above are discharged:

1, 7, 10 (11, 12 and 13 to be confirmed)

The following Conditions attached to the Outline Planning Permission referred to above remain to be complied with but do not require submission of any additional details:

2, 3, 4, 9, 15, 16, 17, 18, 19

The following Conditions attached to the Outline Planning Permission referred to above remain to be complied with and include requirements for submission of additional details:

5, 14

The following additional conditions are attached to this reserved matters approval:

2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. Provision shall be made for secure cycle storage facilities for each of the dwellings hereby permitted in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority.
(Reason - In the interests of facilitating sustainable transport options within the development in accordance with Policy TC4 (Footpaths, Bridleways and Cycleways) of the adopted East Devon Local Plan 2013-2031 and Policy T1 (Adequate Parking) of the made Newton Poppleford and Harpford Neighbourhood Plan 2020-2031.)
4. Air source heat pumps shall be provided within each plot in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority.
(Reason – In the interests of facilitating the use of renewable energy technology within the development in accordance with Strategy 38 (Sustainable Design and Construction) of the adopted East Devon Local Plan 2013-2031 and Policy HQD1 ((Maintain the Built Character of our Parish through High Quality Design) of the made Newton Poppleford and Harpford Neighbourhood Plan 2020-2031.)
5. The energy efficiency and biodiversity enhancement measures for each plot detailed on the approved plans/documents shall be carried out in full prior to the first occupation of that plot, unless alternative phasing details have first been agreed in writing by the Local Planning Authority.
(Reason – In the interests of facilitating the use of renewable energy technology and biodiversity enhancements within the development in accordance with Strategies 5 (Environment) and 38 (Sustainable Design and Construction) and Policy EN5 (Wildlife Habitats and Features) of the adopted East Devon Local Plan 2013-2031 and Policy HQD1 ((Maintain the Built Character of our Parish through High Quality Design) of the made Newton Poppleford and Harpford Neighbourhood Plan 2020-2031.)

NOTE FOR APPLICANT

Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved.

Plans relating to this application:

Water Butt	Other Plans	17.10.22
Swift Eco Habitat	Other Plans	17.10.22
Bee Brick	Other Plans	17.10.22
0176/PI/E5-9/01	Proposed Elevation	17.10.22
0176/PI/P1-4/01 : Floor plan and Elevations	Proposed Plans Combined	17.10.22
0176/PI/P5-9/01	Proposed Floor Plans	17.10.22
0176/PI/PSP/01	Proposed Site Plan	17.10.22
0176/PI/SSD/01	Sections	17.10.22
0176/P/LP/01	Location Plan	24.01.22
0176/PSP/01	Proposed Site Plan	13.07.22
0176/P1/PDS/01: Drainage Strategy	Other Plans	13.07.22

List of Background Papers

Application file, consultations and policy documents referred to in the report.

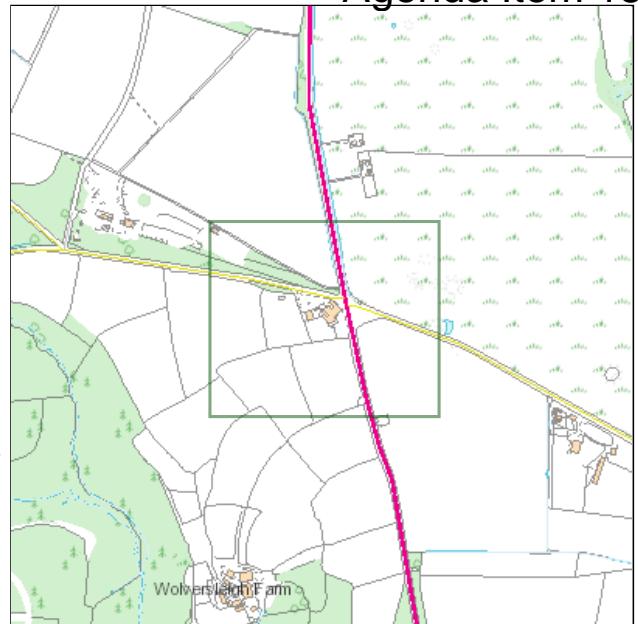
Ward Sidmouth Rural

Reference 22/1407/FUL

Applicant Mr J Birch (Heartstone Inns Limited)

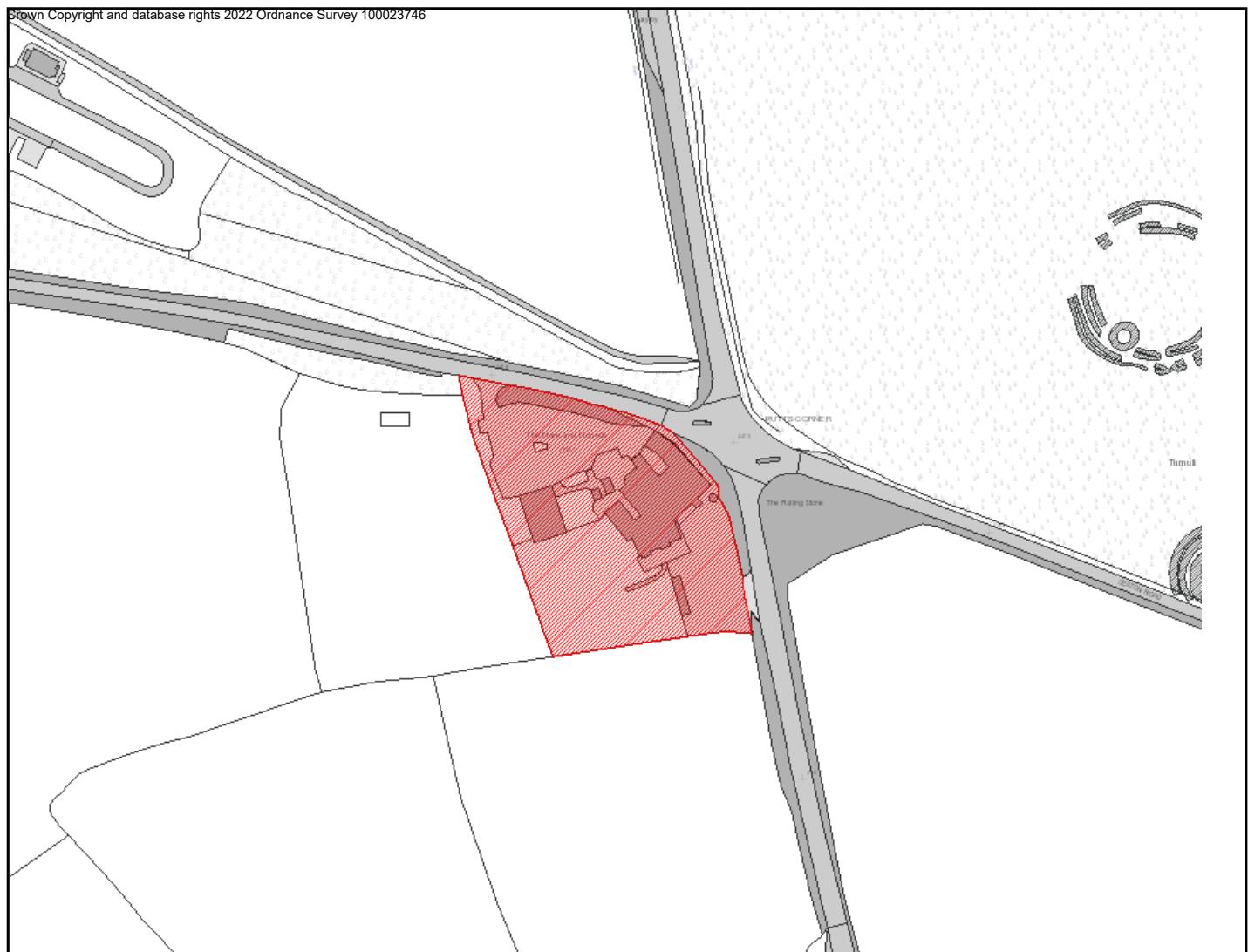
Location Hare And Hounds Inn Putts Corner Sidbury
Sidmouth EX10 0QQ

Proposal Proposed demolition of barn and the erection of an extension to provide 11no. guest bedrooms and associated landscaping and car parking.



RECOMMENDATION:

1. Adopt the Appropriate Assessment
2. Approve with conditions



		Committee Date: 29.11.22
Sidmouth Rural (Sidmouth)	22/1407/FUL	Target Date: 24.08.2022
Applicant:	Mr J Birch (Heartstone Inns Limited)	
Location:	Hare And Hounds Inn Putts Corner	
Proposal:	Proposed demolition of barn and the erection of an extension to provide 11no. guest bedrooms and associated landscaping and car parking	

RECOMMENDATION:

1. Adopt the Appropriate Assessment
2. Approve with conditions

EXECUTIVE SUMMARY

This application is before members as there is no direct policy support for development within the East Devon Local Plan or Sid Valley Neighbourhood Plan. The application is therefore a departure from the Development Plan and is required to go before members.

The application proposes the construction of a two storey extension off the south west elevation to facilitate the provision of 11 guest rooms. Owing to the site's countryside location within the Blackdown Hills AONB, there is no policy within the Local Plan or Neighbourhood Plan that would provide support for the development. However, the overarching objectives of the Local Plan acknowledge the importance of holiday accommodation to support the district's tourism economy and the need to enable successful businesses to expand and diversify. This is further reflected within the National Planning Policy Framework at paragraph 84 and, to a lesser extent, 85.

The application site is located opposite a bus stop where the regular No. 9 service runs between Exeter and Sidmouth. Additionally, being located on the crossroads where the A375 and B3174, the site is accessible via public and private modes of transport. The distance from Ottery St Mary, Honiton and Sidmouth provides realistic opportunities for prospective occupants of the holiday accommodation to cycle or, for those willing, walk to nearby settlements, to access everyday services and facilities that the pub does not already offer.

The extensions would undoubtedly add to the overall bulk of built form of the Hare and Hounds pub which has gradually increased overtime which is reflected

within the planning history listed later within the report. The submitted south east elevation on plan 016 A communicates how the proposals would add to the sprawling appearance of the building. Despite this, the design approach does ensure the build would work with the topography of the site which falls away to the south west resulting in the ridge height of the extension sitting below that of the adjacent dining room building. Additionally, the overall extent of the south east elevation is largely obscured from public view from those approaching the site from Sidmouth along the A375 due to the existing hedgerow and the restaurant building.

Long distance views of the site from Chineway Head and Pigeon Hill are largely obscured due to undulating landform and dense vegetation and woodland. Where distant views are available, these are restricted to a few glimpsed views where the extension would be viewed in the context of the existing build at the site. Despite this, the extent of glazing and balustrading, particularly on the south west elevation, could lead to potential light spill and glare.

With regards to the subsequent impact on the Blackdown Hills AONB, it is the position of officers that development would neither conserve nor enhance landscape character of the area as required by Strategy 46.

However, the resulting impact is considered to be low and has been balanced against other material considerations including the location of the site in relation to the existing public transport network and the economic benefits of providing 11 guest houses at the site.

In this case development would provide economic benefits to the local tourism industry whilst generating a modest level of employment through the day to day management of the guest accommodation. The accommodation would also secure an additional revenue stream to assist in the long term sustainability of an established business. Overall, taking the above into consideration, it is considered that the planning balance weighs in favour of the scheme and therefore the application is recommended for approval.

CONSULTATIONS

Local Consultations

Parish/Town Council SUPPORT

There was concern over light pollution and members would like to see mitigation measures introduced to reduce light pollution from external building and car park lighting as well as measures to reduce light from the large bedroom windows after dark.

The new build rooms should be tied to the main building for temporary hotel/tourism occupancy only.

Technical Consultations

EDDC Trees

No arb concerns.

National Highways

Council's Reference: 22/1407/FUL
National Highways Ref: 95652

Referring to the notification of a planning application dated 25 July 2022 referenced above, relating to the proposed demolition of a barn and the erection of an extension to provide 11no. guest bedrooms and associated landscaping and car parking at the Hare and Hounds Inn, Putts Corner, Sidbury, Sidmouth, EX10 0QQ, notice is hereby given that National Highways formal recommendation is that we:

- a) offer no objection (see reasons at Annex A);

Highways Act 1980 Section 175B is not relevant to this application.¹

This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via transportplanning@dft.gov.uk and may not determine the application until the consultation process is complete.

1 Where relevant, further information will be provided within Annex A.

Annex A National Highways recommended no objection

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

Highways England was renamed National Highways in August 2021. Prior to April 2015 the organisation was known as the Highways Agency. National Highways is a government owned company responsible for operating, maintaining and improving the SRN.

Statement of Reasons

The application is seeking planning permission for the proposed demolition of a barn and the erection of an extension to provide 11no. guest bedrooms and associated landscaping and car parking at the Hare and Hounds Inn, Putts Corner, Sidbury,

Sidmouth, EX10 0QQ. The development site is located approximately 3.8km from the A30 carriageway.

Based on the location and scale of the proposal we do not consider that the application will result in a severe or unacceptable impact on the SRN.

Recommendation

National Highways has no objections to application 22/1407/FUL.

Cllr John Loudoun

Thank you for this draft report. I thought that I had submitted comments upon this application but I note that nothing is recorded on the planning portal nor can I find anything that I might have sent within my email system. My apologies therefore for not having previously responded.

My comments would have centred around the potential light pollution that the proposals would cause as well as requiring a tie of the new building to the existing pub. As I see that both of these points have been included in the report's recommendations, I am content with all of this. I also agree with the report that the benefits of the proposals to the existing business and the local economy outweigh any disbenefits that the proposal would cause to the local area.

I am supportive of the report and its recommendations.

Devon County Highway Authority

Observations:

The site proposed has the benefit of two accesses/egresses and is on the County Road of Sidmouth Road which has good access to both Sidmouth and Honiton.

Though the guest house represents 11 new holiday units, it is hoped that some of the trip generation will be already accounted for by attendance of the adjoining inn.

Our road collision data, a rolling 5 year period of recorded collisions, shows one recorded collision within this vicinity in the last 5 years, though there is no direct correlation to this establishment.

The site layout allows for sufficient space to turn off-carriageway and the additional parking spaces proposed under this planning application, should more than mitigate any potential 'on-street' parking to be likely.

I would recommend the provision of secure cycle storage to help mitigate vehicular trip generation and to accommodate for leisure cyclists.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, MAY WISH TO RECOMMEND CONDITIONS ON ANY GRANT OF PLANNING PERMISSION

1. No development shall take place until details of secure cycle/scooter storage facilities have been submitted to and approved in writing by the County Planning Authority. The development shall be implemented in accordance with the approved details.

REASON: To promote sustainable travel in accordance with the East Devon Local Plan 2013-2031.

EDDC Landscape Architect

1 INTRODUCTION

This report forms the EDDC's landscape response to the full application for the above site.

The report provides a review of landscape related information submitted with the application in relation to adopted policy, relevant guidance, current best practice and existing site context and should be read in conjunction with the submitted information.

2 LOCATION, SUMMARY PROPOSALS, SITE DESCRIPTION AND CONTEXT

2.1 Site location and summary of proposals

The application site is situated behind the Hare and Hounds pub on the A375 Honiton-Sidmouth road at Putts Corner. The proposals comprise the erection of 9 small holiday lodges (glamping pods) and associated parking area within a small field immediately to the west of the pub gardens and car park. Access is from the existing car park off the Ottery St Mary road.

2.2 Site description and context

The site is situated in an elevated position at an altitude of 240m AOD to the southwest of Gittisham Hill which rises to 250m AOD. It comprises a small field extending to 0.8Ha at the head of the Sid Valley which runs southwards. The site itself is moderately sloping with a southwesterly aspect and an overall level change of 11m from its northeast to southwest corners.

The site is bounded by a mature tree belt to the north and Devon hedgebanks to the west and south neither of which appears to have received much maintenance in recent years, and the western boundary hedge in particular is somewhat gappy. The eastern boundary is more open and abuts the pub car park and gardens and a large timber clad storage shed between the two. A timber field gate in the northeast corner give direct access to the Ottery St Mary road.

The field has not been used for agricultural production for many years and consists of rank grassland with bramble and common perennial wildflowers including some bluebells to the southwestern corner.

A sewage treatment plant serving the pub is situated in an enclosure adjacent to the northern boundary and a further post and wire enclosure around a well pump is

situated towards the southeast corner. Overhead powerlines traverse the site in an east-west direction some 10m off the southern boundary.

Surrounding land use is predominantly agricultural. The Hare and Hounds pub and grounds are situated to the east adjacent to the A375 and the minor county road to Ottery St Mary runs adjacent to the northern boundary. Beyond that is an established small caravan park. Gittisham Hill, an area of lowland heath and access land, lies the north east.

There are a few scattered farms and dwellings in the vicinity, mostly discreetly tucked away. The nearest settlements are Honiton 4km to the north, Ottery St Mary 4.1km to the west and Sidbury 4.5km to the south.

There is no public access within the site itself but there are a number of public rights of way and areas of designated access land in the vicinity. These include Gittisham Hill access land to the northeast, The East Devon Way, passing 1km to the southeast, Sidmouth footpath 68, 360m to the southeast and access land in the vicinity of Pigeon Hill 1.7km to the west.

Views from the site to the north and east are very limited by landform, trees and the pub building complex but there are extensive views to the south down the Sid valley to the sea through breaks in the southern boundary hedgerow and to the west across the Sid valley to the East Hill ridge.

The principle public views to the site are from the Ottery St Mary road to the north and from access land in the vicinity of Pigeon Hill on the East Hill ridge to the southwest. There are more distant (3-4km) views from points to the south and southwest but at this distance the visual effects of the proposal are likely to be negligible.

2.3 Opportunities and constraints

2.3.1 Landscape and Conservation designations

The site lies within the East Devon AONB where, in accordance with NPPF policy, great weight should be given to conserving and enhancing landscape and scenic beauty.

Gittisham Hill County Wildlife Site (CWS) lies 200m to the north east and Pin Hill Farm CWS which comprises a mosaic of small fields, woodland and mire lies 850 to the southwest.

There is significant archaeological interest in the form of bronze-age earthworks to the southeast, including Farway Castle scheduled monument site 1.7km distant.

There are no listed buildings or other conservation designations within the immediate vicinity of the site.

2.3.2 Opportunities

The roadside frontage to the existing car park adjacent to the Ottery St Mary road is largely open, excepting a couple of yellow leylandii trees, allowing views over the car park to a dilapidated line of sheds and close-boarded fencing. There is an opportunity to improve this frontage by providing a new native hedge line along the northern edge of the car park to screen the cars and clutter beyond from the road as well as enhance biodiversity value of the verge.

There is similarly opportunity to improve screen planting along the eastern site boundary in views from public access land to the west.

Appropriate management of the field and surrounding hedgerow and trees in accordance with a Landscape and Ecology Management Plan could increase the bio-diversity value of the site.

3 RELEVANT PLANNING POLICY

The following local plan policies are applicable to the proposal in terms of landscape and green infrastructure:

Strategy 3 - Sustainable Development

The objective of ensuring sustainable development is central to our thinking. We interpret sustainable development in East Devon to mean that [inter-alia] the following issues and their inter-relationships are taken fully into account when considering development:

- a) Conserving and Enhancing the Environment - which includes ensuring development is undertaken in a way that minimises harm and enhances biodiversity and the quality and character of the landscape.
- b) Prudent natural resource use - which includes minimising fossil fuel use therefore reducing carbon dioxide emissions. It also includes minimising resource consumption, reusing materials and recycling. Renewable energy development will be encouraged
- c) Promoting social wellbeing - which includes providing facilities to meet people's needs such as health care, affordable housing, recreation space and village halls.

Strategy 7 - Development in the Countryside

Development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located, including:

1. Land form and patterns of settlement.
2. Important natural and manmade features which contribute to the local landscape character, including topography, traditional field boundaries, areas of importance for nature conservation and rural buildings.
3. The adverse disruption of a view from a public place which forms part of the distinctive character of the area or otherwise causes significant visual intrusions.

Strategy 46 - Landscape Conservation and Enhancement and AONBs

Development will need to be undertaken in a manner that is sympathetic to, and helps conserve and enhance the quality and local distinctiveness of, the natural and historic landscape character of East Devon, in particular in Areas of Outstanding Natural Beauty.

Development will only be permitted where it:

1. conserves and enhances the landscape character of the area;
2. does not undermine landscape quality; and
3. is appropriate to the economic, social and well-being of the area.

D1 Design and Local Distinctiveness

Proposals will only be permitted where they:

1. Respect the key characteristics and special qualities of the area in which the development is proposed.
2. Ensure that the scale, massing, density, height, fenestration and materials of buildings relate well to their context.
3. Do not adversely affect inter alia:

Important landscape characteristics, prominent topographical features and important ecological features.

Trees worthy of retention.

4. Have due regard for important aspects of detail and quality and should incorporate inter alia:

Use of appropriate building materials and techniques respecting local tradition and vernacular styles as well as, where possible, contributing to low embodied energy and CO₂ reduction.

Appropriate 'greening' measures relating to landscaping and planting, open space provision and permeability of hard surfaces.

D2 Landscape Requirements

Landscape schemes should meet all of the following criteria:

1. Existing landscape features should be recorded in a detailed site survey, in accordance with the principles of BS 5837:2012 'Trees in Relation to Construction' (or current version)
2. Existing features of landscape or nature conservation value should be incorporated into the landscaping proposals and where their removal is unavoidable provision for suitable replacement should be made elsewhere on the site. This should be in addition to the requirement for new landscaping proposals. Where appropriate, existing habitat should be improved and where possible new areas of nature conservation value should be created.
3. Measures to ensure safe and convenient public access for all should be incorporated.
4. Measures to ensure routine maintenance and long term management should be included.

5. Provision for the planting of trees, hedgerows, including the replacement of those of amenity value which have to be removed for safety or other reasons, shrub planting and other soft landscaping.

6. The layout and design of roads, parking, footpaths and boundary treatments should make a positive contribution to the street scene and the integration of the development with its surroundings and setting.

D3 Trees and Development Sites

Permission will only be granted for development, where appropriate tree retention and/or planting is proposed in conjunction with the proposed nearby construction. The council will seek to ensure, subject to detailed design considerations, that there is no net loss in the quality of trees or hedgerows resulting from an approved development. The development should deliver a harmonious and sustainable relationship between structures and trees. The recommendations of British Standard 5837:2012 (or the current revision) will be taken fully into account in addressing development proposals.

No building, hard surfacing drainage or underground works will be permitted that does not accord with the principles of BS 5837 or Volume 4 National Joint Utilities Group (NJUG) Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees - Issue 2 (or the current revision or any replacement) unless, exceptionally, the Council is satisfied that such works can be accommodated without harm to the trees concerned or there are overriding reasons for development to proceed.

The Council will as a condition of any planning permission granted, require details as to how trees, hedges and hedge banks will be protected prior to and during and after construction. The Council will protect existing trees and trees planted in accordance with approved landscaping schemes through the making of Tree Preservation Orders where appropriate or necessary.

Planning permission will be refused for development resulting in the loss or deterioration of ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.

E19 - Holiday Accommodation Parks

Outside of designated landscape areas, proposals for new sites and extensions of existing sites will be permitted where they meet the following six criteria:

1. The proposal relates sensitively in scale and siting to the surroundings and includes extensive landscaping and visual screening to mitigate against adverse impacts. They do not affect habitats or protected species.
2. They are within, or in close proximity, to an existing settlement but would not have an adverse impact on the character or setting of that settlement or the amenities of adjoining residents.
3. They would not use the best and most versatile agricultural land.
4. They will be provided with adequate services and utilities.

5. Traffic generated by the proposal can be accommodated safely on the local highway network and safe highway access to the site can be achieved.
6. The development will be subject to the provisions of plan policy in terms of sustainable construction and on site renewable energy production.

4 REVIEW OF LANDSCAPE RELATED DOCUMENTS

4.1 Landscape and visual impact assessment (LVIA)

The LVIA fails to consider a view over the site from the Ottery St Mary road through the existing field gate in the northeast corner. However, it is proposed to close off this access and extend the hedgebank across which would close off the view.

The LVIA finds that by virtue of its scale and siting the landscape and visual effects of the proposed scheme are of a minor nature. I would concur with these findings. The greatest visual impact will be on completion of the works from the Ottery St Mary road adjacent to the existing carpark and existing field gate but within 5-10 years with the establishment of appropriate screen planting the impact is likely to be neutral to slight beneficial.

4.2 Reports and surveys

Tree survey - Findings and recommendations of the tree survey are summarised below:

The survey area is in a field to the west of the Hare and Hounds, comprising of one Category A tree, the three individual and two groups of Category B trees and three individual and four groups of Category C trees

Recommendations are given in this report to use a no-dig cellular confinement system in the construction of the overspill carpark and to close the existing field gate beneath T4. These recommendations are given to better protect the trees on the site. If changes to the proposed plan accommodate these recommendations, there will be minimal impacts to the trees on this site

If the proposed extension gains planning permission, an Arboricultural Method Statement (AMS) and a Tree Protection Plan (TPP) will be required to outline suitable tree protection measures for the protection of the trees during construction.

Notwithstanding the recommendations for no-dig construction methods to be adopted for the construction of the car park there is scope to make minor amendments to the car park layout to completely avoid encroachment on the RPA of tree T4 which would be preferable (refer section 4.3 below for further detail).

Ecological assessment - Not provided. An extended phase 1 habitat survey should be provided prior to determination of the application.

4.3 Design and Layout

The proposals retain and reinforce the historic field boundaries in keeping with local landscape character.

The proposed lodges are small, the largest measuring 5.2 x 6.6 x 2.m high, and are timber clad in keeping with rural surroundings with main windows orientated to the south minimising glare effects.

As noted above the proposed car park encroaches on the RPAs of trees T1, T2 and T4. Trees T1 and T2 are leylandii with an expected life of less than 20 years and could be removed without adverse landscape impact. However, the car park could be moved away from tree T4 and slightly reconfigured to avoid the RPA of tree T4 completely which is better arboricultural practice. Figure 1 below shows how this could be done retaining car park capacity and with no adverse effect on the layout of the pods. Otherwise the proposed site layout keeps development well away from existing trees and hedgerow.

Figure 1 - Reconfiguration of car park to avoid RPA of tree T4(see diagram online)

The opportunities for further screening of existing buildings and boundaries and bio-diversity enhancement as noted at section 2.3.2 above should be noted and appropriate measures included in the scheme proposals.

No details are provided of proposed utilities connections, surface water drainage or lighting and details should be provided as a condition of approval. The area is noted for its dark night skies and external lighting should be kept to a minimum with appropriate controls and design to minimise light spill.

4.4 Green infrastructure

The scheme should include measures for secure covered cycle storage for touring cyclists.

There is potential for the installation of solar pv panels in front of the sewage treatment plant which would increase the sustainability credentials of the scheme in line with local plan policy E19 (6) and strategy 3(b).

5 CONCLUSION & RECOMMENDATIONS

5.1 Acceptability of proposals

The proposed scheme is minor in terms of scale and effect and has potential to provide some visual and bio-diversity enhancement. As such it could be considered acceptable in terms of landscape and visual impact subject to minor design changes as noted above.

5.2 Conditions

In the event that satisfactory amended information as noted above is provided prior to determination and approval is granted, the following condition(s) should be imposed:

1) No development shall take place until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme shall include the following:

A Green infrastructure statement describing the various types of proposed planting and features, and how they tie into the local landscape character and other elements of the proposed development.

Measures for protection of existing perimeter trees/ hedgerows/ undisturbed ground during construction phase in accordance with BS5837: 2012. Approved protective measures shall be implemented prior to commencement of construction and maintained in sound condition for the duration of the works, together with an arboricultural method statement.

Detailed layouts based on a detailed topographic survey covering the application site and existing car park and providing the following information:

- Planting proposals.
- Hard or soft boundary treatments.
- Hard surface treatments.
- Proposed external lighting scheme in compliance with Guidance note 08/18 - Bats and Artificial Lighting in the UK, Institute of Lighting Professionals/ Bat Conservation Trust, 2018.
- Existing and proposed levels and extent of proposed earthworks.
- An ecological enhancement and mitigation plan indicating the extent and locations of measures as recommended in the submitted ecological assessment together with copies of any further surveys required.

Soft landscape proposals shall be accompanied by a specification detailing the proposed species, their planting size, the density at which they will be planted, any specific planting matrices, the number of plants of each species and notes describing how the scheme will be implemented.

Hard landscape proposals shall be accompanied by a material specification.

If the scheme has significant level changes, sections shall be provided showing how the proposed development will integrate into the existing context.

Construction details of any proposed walls, fences and other boundary treatments

The various tree pits and/or Devon bank construction details. Devon bank construction should be in accordance with Devon Hedge Group guidance, see: Hedge-Creation-1.pdf

The landscaping scheme shall be carried out in the first planting season after completion of the groundworks and the building construction works or prior to first occupation whichever is the earliest unless otherwise agreed in writing by the Local Planning Authority and the landscaping shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.

(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Strategy 3 (Sustainable Development), Strategy 5 (Environment), Policy D1 (Design and Local Distinctiveness) and Policy D2 (Landscape Requirements) and Policy D3 (Trees in relation to construction) of the East Devon Local Plan. The landscaping scheme is required to be approved

before development starts to ensure that it properly integrates into the development from an early stage.)

2) A 10 year Landscape and Ecology Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape/ habitat areas shall be submitted to and approved in writing by the Local Planning Authority prior to any development taking place. The plan shall include the following:

Extent, ownership and responsibilities for management and maintenance.

Inspection and monitoring arrangements for existing and proposed trees and hedgerows

Detailed schedules covering management and maintenance of the following:

- Trees and hedgerow.
- Grass areas.
- Measures for enhancement of biodiversity value.
- Management and maintenance of any boundary structures, drainage swales and other infrastructure.

The proposals shall be carried out for the full duration of the approved plan.

(Reason - To ensure that the details are considered at an early stage in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D2 - Landscape Requirements of the East Devon Local Plan.)

Other Representations

None

PLANNING HISTORY

Reference	Description	Decision	Date
08/0054/MOUT	Part demolition of existing public house and erection of extensions (part single storey, part two storey) to create additional restaurant areas, function room and other ancillary facilities. Relocate one access onto the B3174 and rearrange parking	Approval with conditions	27.03.2008
09/0820/FUL	Retention of Smoking shelter	Approval retrospective (no condns)	11.06.2009

10/2139/FUL	Renewal of consent for the retention of marquee (07/2905/FUL)	Temporary Approval	06.01.2011
11/0560/FUL	Construction of extensions to form enlarged kitchen and dining room, new plant room, toilets and staff accommodation, and replacement cold rooms and re-positioning of vehicular access from the B3174	Approval with conditions	27.04.2011
19/2765/FUL	Change of use of land with the stationing of nine Modulog lodges for holiday let use and the formation of associated car park and pathways.	Withdrawn	12.10.2020

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

Strategy 5B (Sustainable Transport)

Strategy 33 (Promotion of Tourism in East Devon)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

EN14 (Control of Pollution)

EN22 (Surface Run-Off Implications of New Development)

E5 (Small Scale Economic Development in Rural Areas)

E7 (Extensions to Existing Employment Sites)

E16 (Proposals for Holiday or Overnight Accommodation and Associated Facilities)

E19 (Holiday Accommodation Parks)

TC2 (Accessibility of New Development)

TC9 (Parking Provision in New Development)

Sid Valley Neighbourhood Plan (Made)

Policy 1 – Sid Valley Development Principles

Policy 7 – Local Distinctiveness

Policy 8 – Light Pollution

National Planning Policy Framework

ASSESSMENT

Site Location and Description

The Hare and Hounds pub is located on Putts Corner, which is on the A375 in-between Sidmouth and Honiton. The site occupies a prominent position on the busy cross road within the East Devon Area of Outstanding Natural Beauty.

The principle elevation of the pub faces the crossroads and comprises of white painted render walls, a tiled roof punctuated by two chimneys and a series of bay windows with painted green frames.

To the rear of the principal building are a series of single storey and two storey extensions, approved under application 08/0054/MOUT, that provide additional restaurant space, function rooms and staff accommodation. The pub is also served by two parking areas accessed off of the A375 and B3174.

Proposed Development

The application proposes the construction of a two storey extension that would extend off the south west elevation and occupy part of the existing beer garden. The submission also details the removal of a large agricultural building to the north west of the site to provide additional parking.

The 11 guest bedrooms would be contained within a pair of two storey extensions either side of a flat roof structure that would extend off of, and be accessed internally by, the existing dining area. Additional tree planting is proposed within the site and along the existing southern and western boundary lines.

Principle of Development

Development within the open countryside is not acceptable in principle under Strategy 7 of the adopted East Devon Local Plan, unless other policy within the East Devon Local Plan or Sid Valley Neighbourhood Plan explicitly allows such development.

Policy E19 (Holiday Accommodation Parks) does permit new holiday parks but not in designated landscapes. E19 does allow for the extension of existing camping and caravan sites in designated landscapes but does not permit new permanent structures.

The East Devon Local Plan does support development for the creation of Holiday or Overnight Accommodation through the provisions of Policy E16 (Proposals for Holiday or Overnight Accommodation and Associated Facilities). The wording of the policy reflects the Council's position in steering such development towards the most sustainable locations and identifies the towns and villages of the District, as defined by those settlements with Built-up Area Boundaries, as best fulfilling this requirement. An exception applies to the use of existing buildings in the open countryside and to small-scale farm and rural diversification.

Policy E5 (Small Economic Development in Rural Areas) provides support for schemes that aim to promote employment diversification and reduce out commuting. Policy E7 (Extensions to Existing Employment Sites) of the Local Plan also supports

development outside Built-up Area Boundaries and supports the expansion of successful businesses to encourage economic development.

Whilst none of the above policies appear to provide direct support for the development, the overarching objectives of the Local Plan acknowledge the importance of holiday accommodation to support the district's tourism economy and the need to enable successful businesses to expand and diversify. This is further reflected within the National Planning Policy Framework at paragraph 84 and, to a lesser extent, 85.

Paragraph 84 reads:

"Planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
- b) the development and diversification of agricultural and other land-based rural businesses;
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship."

The following report will assess the various material planning issues in the planning balance and conclude whether the development should be supported despite the lack of clear policy support from the East Devon Local Plan or Neighbourhood Plan.

Impact on Character and Appearance of the Area and the East Devon AONB

Paragraph 176 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas. The weight attributed to conserving and enhancing AONBs as required by the NPPF is reflected within the provisions of Strategy 46 (Land Conservation and Enhancement and AONBs) of the Local Plan and Policy 1 of the Sid Valley Neighbourhood Plan.

Strategy 46 - Landscape Conservation and Enhancement of AONBs states that development must be undertaken in a manner that is sympathetic to and helps conserve the and enhance the quality and local distinctiveness of the natural and historic character of East Devon, in particular Areas of Outstanding Natural Beauty. Development will only be permitted where it:

1. Conserves and enhances the natural landscape

2. Does not undermine landscape quality
3. Is appropriate to the economic, social and wellbeing of the area.

The local landscape character of the area is described in the East Devon and Blackdown Hills Landscape Character Assessment (2019). The site is on elevated land and spans across steep wooded scarp slopes (LCT2A) and open inland planned plateaux (LCT1A).

The site is situated in an elevated position at an altitude of 250m AOD at the head of the Sid Valley which runs southwards. The site itself is moderately sloping with a south westerly aspect. The field to the west has not been used for agricultural purposes for many years and consists of rank grassland with bramble and wildflowers.

A sewage treatment plant serving the pub is situated in an enclosure adjacent to the northern boundary and a further post and wire enclosure around a well pump is situated towards the southeast corner. Overhead powerlines traverse the site in an east-west direction some 10m off the southern boundary.

Surrounding land use is predominantly agricultural. The Hare and Hounds pub and grounds are situated to the east adjacent to the A375 and the minor county road to Ottery St Mary runs adjacent to the northern boundary. Beyond that is an established small caravan park. Gittisham Hill, an area of lowland heath and access land, lies to the north east.

There are a few scattered farms and dwellings in the vicinity, mostly discreetly tucked away. The nearest settlements are Honiton 4km to the north, Ottery St Mary 4.1km to the west and Sidbury 4.5km to the south.

There are a number of public rights of way and areas of designated access land in the vicinity. These include Gittisham Hill access land to the northeast, The East Devon Way, passing 1km to the southeast, Sidmouth footpath 68, 360m to the southeast and access land in the vicinity of Pigeon Hill 1.7km to the west.

Views from the site to the north and east are very limited by landform, trees and the pub building complex but there are extensive views to the south down the Sid valley to the sea through breaks in the southern boundary hedgerow and to the west across the Sid valley to the East Hill ridge.

The principle public views to the site are from the Ottery St Mary road to the north and from access land in the vicinity of Pigeon Hill on the East Hill ridge to the southwest. There are more distant (3-4km) views from points to the south and southwest but at this distance the impacts are considered to be negligible.

Long distance views of the site from Chineway Head and Pigeon Hill are largely obscured due to undulating landform and dense vegetation and woodland. Where distant views are available, these are restricted to a few glimpsed views where the extension would be viewed in the context of the existing build at the site. Despite this, the extent of glazing and balustrading, particularly on the south west elevation, could lead to potential light spill and glare. Consequently, it is considered appropriate

to seek further details with regards to the type of glazing, materials for the balustrading and specification for the internal lighting prior to commencement of the development to mitigate such impacts.

The extensions would undoubtedly add to the overall bulk of built form at the application site. The submitted south east elevation on plan 016 A communicates how the proposals would add to the sprawling appearance of the building. Despite this, the design approach of the build seeks to work with the topography of the site and as a result the ridge height of the extension would sit below that of the adjacent dining room building. Additionally, the overall extent of the south east elevation is largely obscured from public view from those approaching the site from Sidmouth along the A375 due to the existing hedgerow and the restaurant building.

The north-west elevation would be visible upon approaching Putts Corner from Ottery St Mary direction. However, direct unobscured views of the build here are only available immediately north of the application site between the access for the overflow car park and the cross roads. In order to soften the visual impact of the build the applicant has considered comments from the Local Authority's landscape architect and provided additional details regarding tree and hedge planting around the site. The soft landscaping, most notably the hedging and planting around the guest parking area and service compound, would soften the impact of the proposed extension and existing build from views available immediately to the north.

The LVIA has sought to emphasize that the design approach seeks to reflect the site's rural context. This is evident from the build comprising of two elements with narrow and rectangular footprints and the predominant use of timber, stone and slate which are considered sympathetic to the immediate area.

Overall, for the reasons outlined above and, despite the notable scale of the proposed extensions, it is considered the development would not unduly harm the aesthetic qualities that underpin the Blackdown Hills Area of Outstanding Beauty.

However, criteria 1 of Strategy 46 requires proposals to demonstrate that development would conserve and enhance the landscape character of the area. The overall bulk, sprawling character of the build and potential light spill leads to a degree of harm which would be perceivable from public vantage points despite some screening afforded by the extensive planting proposed on the Landscaping Scheme.

As such, the proposals are not considered to meet the objectives of Strategy 46. This weighs against the scheme and will be factored into the planning balance at the end of this report.

Accessibility of Development

The application site is located opposite a bus stop where the regular No. 9 service runs between Exeter and Sidmouth. Additionally, being located on the crossroads where the A375 and B3174 meet, the site is accessible via public and private modes of transport. The distance from Ottery St Mary, Honiton and Sidmouth provides realistic opportunities for prospective occupants of the holiday accommodation to

cycle or, for those willing, walk to nearby settlements, to access everyday services and facilities that the pub does not already offer.

Overall the transport links to the site weigh in favour of the scheme and goes some distance in addressing the underlying objectives of Policy TC2 (Accessibility of New Development) that seeks to ensure that development is reasonably accessible by all modes of transport.

Ecological Impact

An existing barn would be removed in order to provide additional parking at the site. Owing to the potential for bats to be roosting within the structure an emergence survey was conducted in May 2022.

No evidence of bat use was found inside the barn. However, the barn offered suitable roosting provision for crevice dwelling bats in the ridge timbers, between roof sheets and behind timber cladding. As the site is surrounded by favourable bat foraging and commuting habitat due to areas of nearby woodland and hedges, and as low numbers of bats could roost in the barn opportunistically, the barn was considered to have low suitability for roosting bats.

Despite this, no bats emerged during the bat emergence survey. It is therefore considered unlikely that the barn is used by roosting bats. Given this its demolition will not require a European protected species licence from Natural England.

However, the demolition of the barn would result in the loss of a swallow nesting site and therefore it is recommended that a swallow nest cup and an integrated bird box are installed on the pub extension to provide alternative nesting opportunities for birds, as mitigation and ecological enhancement. It is also recommended to provide a bat box on the new extension to provide ecological enhancement.

Habitat Mitigation

The nature of this application and its location close to the Pebblebed Heaths and their European Habitat designation is such that the proposal requires a Habitat Regulations Assessment. This section of the report forms the Appropriate Assessment required as a result of the Habitat Regulations. In partnership with Natural England, the council and its neighbouring authorities of Exeter City Council and Teignbridge District Council have determined that housing and tourist accommodation developments in their areas will in-combination have a detrimental impact on the Pebblebed Heaths through impacts from recreational use. The impacts are highest from developments within 10 kilometres of the designation. It is therefore essential that mitigation is secured to make such developments permissible. This mitigation is secured via a combination of funding secured via the Community Infrastructure Levy and contributions collected from residential developments within 10km of the designations. This development will be CIL liable and so will make its infrastructure contribution through this route. A financial contribution towards the non-infrastructure elements of the mitigation strategy has also been secured via a Section 111 undertaking under the Local Government Act.

Other Matters

- 11 spaces and bike storage dedicated to the guest house would be provided.
- The County Highway Authority has reviewed the application and found the means of access and egress for private modes of vehicle acceptable.
- The application details that the development would utilise a Sustainable Urban Drainage Scheme to deal with additional surface water run off caused by the development. Details can be secured via condition prior to commencement of development.
- An existing sewage treatment plant within the field to the west is to be used to serve the new guest bedrooms. The agent has confirmed that this has sufficient capacity to accommodate any additional foul drainage output.

Conclusion

The East Devon Local Plan and NPPF seek to support the expansion of successful rural businesses. In particular, the Local Plan highlights the importance of holiday accommodation in supporting the tourism industry and the district's economy. The proposals would meet these objectives and provide a degree of local employment. Furthermore the provision of B&B and guest house accommodation is a common offering from pubs enabling the business to diversify, provide additional revenue streams and secure financial sustainability.

Despite the application site's remoteness from nearby settlements, the Hare and Hounds pub is accessible via the A375 and local bus network whilst providing opportunities for prospective occupants to cycle or walk to and from the site. Prospective occupants would also have the services and facilities on offer within the existing pub.

The scale of the extension and potential for light spill will result in some localised visual impact. However, the design approach to keep the expanse of development tight to the existing built form of the existing pub ensures that the subsequent landscape harm is low. The applicant has sought to provide additional planting around the site to provide some screening of the proposed extensions and existing building whilst reinforcing landscape character. However, whilst the scheme would not lead to undue harm to the aesthetic qualities or tranquillity of the Blackdown Hills AONB, it is the position of officers that the development would not conserve or enhance the landscape quality of the AONB, which is the test set by Strategy 46.

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case the anticipated economic benefits to the local tourism industry and level of local employment generated weigh in favour of the scheme when factored into the planning balance. As such, even in the absence of policy that explicitly supports development, it is the position of officers that, despite some localised visual harm, the application should be recommended for approval.

Approval would be subject to adoption of the Appropriate Assessment and a number of conditions listed below.

RECOMMENDATION

1. Adopt the Appropriate Assessment included within this report.
2. APPROVE the application subject to the following conditions:
 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
 2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
 3. The guest house hereby approved shall only be operated and managed in conjunction with the Hare and Hounds pub and shall be occupied for holiday purposes only. At no time shall the guest house be used for permanent residential accommodation. A register (including names and main addresses, arrival date and departure date) of all visitors to the site shall be collated and maintained by persons responsible for the management of the site, and this information shall be available to the Local Planning Authority upon request. Operation of the guest houses shall be ancillary to the Hare and Hounds pub.
(Reason - The application lies within an unsustainable location for permanent residential occupation in accordance with Strategy 7 (Development in the Countryside) of the adopted East Devon Local Plan, as well as guidance contained within the National Planning Policy Framework.)
 4. The development hereby approved shall be carried out in accordance with the recommendations set out in the submitted Ecological Impact Assessment submitted by Richard Green and dated June 2022.
(Reason - In the interests of wildlife protection in accordance with Policy EN5 - Wildlife Habitats and Features of the East Devon Local Plan 2013 - 2031.)
 5. No development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. Unless it is demonstrated that it is unfeasible to do so, the scheme shall use appropriate Sustainable Urban Drainage Systems. The drainage scheme shall be designed so that there is no increase in the rate of surface water runoff from the site resulting from the development and so that storm water flows are attenuated. The development shall be carried out in accordance with the approved scheme.
(Reason: The details are required prior to commencement to ensure that they fit efficiently within the site layout, protect water quality and minimise flood risk in accordance with Policy EN22 - Surface Run-Off Implications of New Development of the Adopted East Devon Local Plan 2013-2031 and the guidance contained with the National Planning Policy Framework.)

6. No development above foundation level shall take place until details of materials to be used externally for the development, including samples, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be built in the materials approved.
(Reason - To ensure that the materials are sympathetic to the character and appearance of the area in accordance with Strategy 46 - Landscape Conservation and AONB's and Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)
7. Notwithstanding the approved Landscaping Scheme, prior to development a Planting Schedule shall be submitted to and approved in writing by the Local Planning Authority. The Planting Schedule shall provide details of the hedging and trees including species mix, size, planting methodology, irrigation and maintenance. The landscaping scheme, informed by the approved planting schedule, shall be carried out in the first planting season after commencement of the development unless any alternative phasing of the landscaping is agreed in writing by the Local Planning Authority and the landscaping shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.
(Reason - To ensure that the details are planned and considered at an early stage in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D2 - Landscape Requirements of the Adopted East Devon Local Plan 2013-2031.)
8. No development shall take place above foundation level until a scheme to minimise reflective glare and light spill has been submitted to and approved in writing by the Local Planning Authority. The building shall not be brought into use until the scheme has been implemented as approved and the approved measures shall thereafter be maintained in perpetuity.
(Reason - To minimise the impacts of light pollution on the East Devon Area of Outstanding Natural Beauty in accordance with Strategy 46 (Landscape Conservation and Enhancement and AONBs) of the East Devon Local Plan 2013-2031.)

NOTE FOR APPLICANT

Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved.

Plans relating to this application:

14C	Landscaping	04.10.22
010	Location Plan	23.06.22

014 C	Proposed Site Plan	23.06.22
015 A	Proposed Floor Plans	23.06.22
016 A	Proposed Elevation	23.06.22

List of Background Papers

Application file, consultations and policy documents referred to in the report.